


<b>Item No.</b>	<b>Classification:</b> OPEN	<b>Date:</b> 12/08/2011	<b>Meeting Name:</b> DELEGATED
<b>Report title:</b>	<b>Development Management planning application:</b> Application 10-AP-3751 for: Full Planning Permission  <b>Address:</b> 123 GROVE PARK, LONDON, SE5 8LD  <b>Proposal:</b> Change of use of existing building from training centre (D1 use) with ancillary office use to residential (C3 use) including the construction of a three storey side extension to create 7 residential units (comprising 1 x 1 bedroom, 1 x 2 bedroom, 3 x 3 bedroom and 2 x 4 bedroom units) and the construction of 5 detached dwellings (comprising 5 x 4 bedroom two storey units) to rear. The development will provide vehicular access and a total of 14 on-site car parking spaces, with storage for 20 cycles and associated waste storage. The development will require the removal of 83 trees and includes full landscaping of the site.		
<b>Ward(s) or groups affected:</b>	South Camberwell		
<b>From:</b>	Fennel Mason		
<b>Application Start Date</b> 16/05/2011		<b>Application Expiry Date</b> 15/08/2011	

### RECOMMENDATION

To refuse planning permission

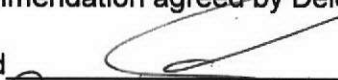
Recommendation proposed by Case Officer:

Signed  date 15/08/2011

Recommendation cleared by Team Leader:

Signed  date 15-8-2011

Recommendation agreed by Delegated Officer:

Signed  date 15/8/11

Signed  date 15/8/11

Reason Recommendation either not cleared or agreed:

Signed \_\_\_\_\_ date \_\_\_\_\_

### BACKGROUND INFORMATION

## **Site location and description**

The site is located on Grove Park, to the east of Camberwell Grove and close to Denmark Hill Station. The site comprises a large late 19<sup>th</sup> century / early 20<sup>th</sup> century 3 storey detached mansion, which formally housed a nursing home and more recently a training centre (D1 use with ancillary B1 office use).

The building is currently vacant and fronts onto Grove Park, it is set in large grounds with a formal garden and area of woodland to the rear. The total size of the site including gardens is 0.58 hectares. The building is located within the Camberwell Grove conservation area and is identified in the conservation area appraisal for the Camberwell Grove conservation area as a key unlisted building.

Camberwell Grove conservation area is predominantly residential in character and there are a number of listed buildings in the area. The neighbouring property to the west at 124/125 Grove Park is a grade II listed building and to the rear of the site is the extensive gardens of properties at 163-185 Grove Crescent which form a collection of 3 storey grade II listed terrace buildings. There are also a number of key unlisted buildings along Grove Park, all buildings occupying a leafy front and rear garden setting, and all are classified as key unlisted buildings in the Camberwell Grove conservation area.

The site is located within an Urban Density Zone, an Air Quality Management Area and the site is subject to a Supplementary Planning Document: 123 Grove Park (September 2007).

## **Details of proposal**

Planning permission is sought for the change of use of existing host building from a training centre (D1 use) with ancillary office use to residential (C3 use) with the construction of three storey side extension, measuring a maximum of 13.0m in width, 11.4m in depth and 10.1m in height.

The conversion and extension of the main host building would allow for the creation of 7 residential units (comprising 1 x 1 bedroom, 1 x 2 bedroom, 3 x 3 bedroom and 2 x 4 bedroom units).

In addition, consent is sought to construct 5 new detached dwellings (each containing 4 bedrooms) to the rear of the main building. Each dwelling is to be two stories in height with green roofs and areas of private amenity space. Each also has private cycle storage and car parking spaces.

Vehicular and pedestrian access to the site will remain similar to present with an entrance and exit at either sides of the street frontage and two pedestrian gates. The entrance forecourt area will also include 2 refuse storage areas, 9 car parking spaces (2 of which are proposed for car club parking spaces) and covered storage for 20 cycles.

Access to the rear of the site will be gained with the creation of a gravel driveway to the eastern side of the main building, which will contain another two refuse storage areas, additional carparking, and vehicular and pedestrian access to the 5 dwellings.

The development would require the removal of 83 trees in addition to large areas of undergrowth. As part of the post construction works it is proposed to landscape the site with formal landscaping combined with the retained mature trees.

## **Planning history**

A Screening Opinion (10-AP-1639) was given in August 2010 where it was considered that given the relatively small size of the development and its location outside a sensitive area, the development is unlikely to generate any significant environmental effects and that an Environmental Impact Assessment will not be required.

## **Planning history of adjoining sites**

None considered to be directly relevant

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

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] the impact from the removal of vegetation and construction effects on retained vegetation on the character and nature of the woodland, the environment and biodiversity of the site.
- c] the impact of the bulk, scale and design of the new dwellings buildings and extension to the host building on the streetscape and wider conservation area setting.
- d] the impact of the building on the amenity of neighbouring occupiers.
- e] the quality of residential accommodation for future occupiers.
- f] the impact of the development on the transport network.

## **Planning policy**

### Core Strategy 2011

- Strategic Policy 1 – Sustainable development
- Strategic Policy 2 – Sustainable transport
- Strategic Policy 3 – Shopping, leisure and entertainment
- Strategic Policy 4 – Places to learn and enjoy
- Strategic Policy 5 – Providing new homes
- Strategic Policy 6 – Homes for people on different incomes
- 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

- 2.1 Enhancement of community facilities
- 2.5 Planning obligations
- 3.1 Environmental effects
- 3.2 Protection of amenity
- 3.3 Sustainability assessment

- 3.4 Energy efficiency
- 3.6 Air quality
- 3.7 Waste reduction
- 3.9 Water
- 3.10 Efficient use of land
- 3.11 Quality in design
- 3.15 Conservation of the historic environment
- 3.16 Conservation areas
- 3.18 Setting of listed buildings, conservation areas and world heritage sites
- 3.28 Biodiversity
- 4.1 Density of residential development
- 4.2 Quality of residential accommodation
- 4.3 Mix of dwellings
- 4.4 Affordable housing
- 5.1 Locating developments
- 5.2 Transport impacts
- 5.3 Walking and cycling
- 5.6 Car parking
- 5.7 Parking standards for disabled people and the mobility impaired

#### London Plan July 2011

- Policy 1.1 Delivering the strategic vision and objectives for London
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.6 Children and young people's play and informal recreation facilities
- Policy 3.8 Housing choice
- Policy 3.9 Mixed and balanced communities
- Policy 3.10 Definition of affordable housing
- Policy 3.11 Affordable housing targets
- Policy 3.13 Affordable housing thresholds
- Policy 3.18 Education facilities
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.4 Retrofitting
- Policy 5.5 Decentralised energy networks
- Policy 5.7 Renewable energy
- Policy 5.8 Innovative energy technologies
- Policy 5.10 Urban greening
- Policy 5.11 Green roofs and development site environs
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater infrastructure
- Policy 5.15 Water use and supplies
- Policy 5.21 Contaminated land
- Policy 6.1 Strategic approach
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.11 Smoothing traffic flow and tackling congestion
- Policy 6.12 Road network capacity
- Policy 6.13 Parking
- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character

Policy 7.5 Public realm  
Policy 7.6 Architecture  
Policy 7.8 Heritage assets and archaeology  
Policy 7.13 Safety, security and resilience to emergency  
Policy 7.14 Improving air quality  
Policy 7.15 Reducing noise and enhancing soundscapes  
Policy 7.18 Protecting local open space and addressing local deficiency  
Policy 7.19 Biodiversity and access to nature  
Policy 7.21 Trees and woodlands  
Policy 8.1 Implementation  
Policy 8.2 Planning obligations

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

PPS 1: Delivering Sustainable Development  
PPG 3: Housing  
PPS 5: Planning for the Historic Environment  
PPS9: Biodiversity and geological conservation  
PPG 13: Transport  
PPS 22: Renewable Energy  
PPS 23: Planning and Pollution Control  
PPG 24: Planning and Noise  
SPG: Sustainable Design and Construction

Residential Design Standards SPD (2008)  
Sustainable Transport Planning SPD (2008)  
Affordable Housing SPD (September 2008)  
Sustainable Design and Construction SPD (2009)  
Sustainability Assessment SPD (2009)  
Section 106 Planning Obligations SPD (2007)  
Biodiversity Action Plan (1996-2010)

#### **Principle of development**

Saved policy 2.1 'Enhancement of community facilities' of the Southwark Plan states that planning permission for a change of use from D class will only be granted where the applicant can demonstrate that a community facility is surplus to requirements, and that the alternative use meets an identified need.

The Supplementary Planning Document (SPD) for the site states that the Council is satisfied that the previous managers of the property, namely the National Offending Management Services Estates (NOMS) and Office of Government Commerce (OGC) have demonstrated that the site is surplus to the requirements of all government departments and agencies.

In order to satisfy the requirements of saved policy 2.1 'Enhancement of community facilities' in full, the applicant has provided marketing information from the agents Collier International who have been marketing the site actively since July 2007.

According to this evidence the property has been marketed by a variety of means and consistently over this period. Interested parties for D1 use found the property unsuitable due including the following reasons: location; complexity of the layout; lack of public transport; layout of the floorspace; condition of the building; car parking; and other more suitable buildings located elsewhere.

As such, it is considered that the applicant has satisfactorily demonstrated that the community facility is surplus to requirements, is unsuitable for re-use as a

community facility and that the replacement development (being residential) meets an identified need.

Furthermore, the most acceptable alternative use of the site is identified by the 123 Grove Park SPD to be residential.

Overall, it is considered that the loss of community facilities to be replaced by residential use is acceptable in principle.

### **Density**

The subject site is located within the Urban Density Zone (Medium) and therefore development would generally be expected to fall within the density range of between 200-700 ha/hr.

The subject site is 0.58ha in area, and the proposed development would provide a total of 52 habitable rooms associated with the residential use. The density of the development is therefore 90 hr/ha.

The proposed development is therefore well below the threshold of The Southwark Plan [UDP].

### **Mix of Dwellings**

Southwark Plan policy requires a mix of dwellings sizes and types to be provided within major new developments in order to cater for a range of housing needs. There is a particular need for family units in the borough and therefore policy requires that the majority of units should have two or more bedrooms and at least 10% three or more bedrooms with direct access to private outdoor amenity space. The number of studio flats should not exceed 5% and at least 10% of the units should be suitable for wheelchair users. Strategic Policy 7 'Family homes' of the Core Strategy requires at least 20% of new schemes in the urban density zone, as here, to be of 3 or more bedrooms.

The proposed development comprises 1 x 1 bedroom (8.3%), 1 x 2 bedroom (8.3%), 3 x 3 bedroom (25%) and 7 x 4 bedroom (58.3%) units.

The proposed mix therefore meets the requirement for the vast majority of units to have two or more bedrooms (91.7% provision). The scheme will provide a good proportion of three bedroom (or more) units with a provision of 83.3% family sized units which is well in excess of the minimum 20% requirement of the Core Strategy, which is a positive element of the scheme.

### **Environmental impact assessment**

Applications where an EIA is required will either be mandatory or discretionary, depending on whether they are found in Schedule 1 (mandatory) or Schedule 2 (discretionary) of the 1999 Regulations.

In this case, the proposal for the redevelopment of an existing School is considered to constitute a 'Schedule 2' 'urban development project' in accordance with Section 10(b) of Schedule 2 of the Regulations, by virtue of its site area of 0.58ha. The threshold for 'urban development projects' is an area exceeding 0.5ha. However, an EIA is only required if the site is located within a sensitive area or the proposals are likely to generate significant environmental effects.

An assessment of the proposal based around the selection criteria for screening

Schedule 2 development [detailed in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999] was undertaken with the assessment against the relevant criteria under the Screening Opinion (10-AP-1639) which was given in August 2010.

This Screening Opinion concluded that the site has an established use for residential purposes, and is located outside of a sensitive area as per Regulation 2(1), and as such the development is unlikely to generate any significant environmental effects and that an Environmental Impact Assessment will not be required.

Further, it was acknowledged that any likely effects will be addressed as part of a full planning application for which the relevant supporting documentation will be submitted.

## **Amenity**

### **NEIGHBOURING OCCUPIERS**

#### *Daylight and Sunlight*

A Daylight and Sunlight Report was submitted with the application, prepared by Right of GVA Schatunowski Brooks (dated 25 November 2010). It assessed the impact of the proposed development on the daylight and sunlight of adjoining residential occupiers and future occupiers against the guidance provided in the BRE Report 209 "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (1991).

The Council's Residential Design Standards SPD emphasises the need to maximise daylight and sunlight, both within new developments as well as neighbouring properties and that developments should seek to minimise overshadowing or blocking of light to adjoining properties.

The submitted report concludes that there will be no material impact on the surrounding residential properties as a result of the application and that the results of the report fully comply with the BRE Guidance and therefore the development complies with planning policy.

#### *Outlook and Privacy*

The Residential Design Standards [SPD] advises that in order to prevent overlooking and loss of privacy a minimum distance of 12m should be maintained from the front of a building or any elevation that fronts a highway and a minimum distance of 21m should be achieved from rear facing habitable windows. There are no specific guidelines for setbacks between flank elevations and windows of adjoining properties with each case dealt with on its own merits.

The proposed development is located a sufficient distance from adjoining buildings to prevent mutual overlooking from between windows, and therefore avoid any loss of privacy to neighbouring residential units.

However, concern has been raised that the development would overlook into the rear gardens of 163-185 Grove Crescent. Whilst it is acknowledged that the first floor windows of proposed House 1 would have windows facing west, the gardens are approximately 45m in depth as a minimum, and they occupiers have sufficient rear garden space that the proximity of the proposed houses would not result in any material overlooking or resulting in loss of privacy to these garden spaces. Further to this the applicant has proposed to increase the planting along the boundaries to help screen the development when viewed from adjoining properties.

Should the application have otherwise been acceptable, conditions would have been imposed ensuring adequate boundary treatment, and details further details of landscaping to be provided for approval.

#### *Character of the Area*

Concerns were raised from neighbouring occupiers that the proposed fencing to the front of the property in particular would harm the setting of the conservation area and not contribute to a sense of community. This is discussed further below.

#### *Construction*

There is also potential for construction effects impacting on the amenity of neighbouring occupiers, such as noise and general disturbance. Any construction effects of the proposed development will be temporary in nature, and construction is already controlled by requirements to adhere to numerous other legislative standards, such as Building Act 1984, Environmental Protection Act (EPA) 1990, Environment Act 1995 and Air Quality Regulations 2000 and Health and Safety at Work Act 1974.

However, in order to have some control on adverse effects, should the application have otherwise been considered acceptable, a condition could have been imposed requiring the submission of a Construction Management Plan [CMP] to be submitted for approval in writing prior to works commencing. Such a CMP would include hours of operation, type and number of vehicles, crane locations, number of workers, location of facility cabins etc.

Overall the proposed development is considered to adequately protect the amenity of adjoining occupiers consistent with the outcomes sought by strategic policy 13 'High Environmental Standards' of the Core Strategy, saved policy 3.2 'Protection of amenity' of the Southwark Plan [UDP] and the Residential Design Standards [SPD].

#### **FUTURE OCCUPIERS**

The Residential Design Standards [SPD] sets out the minimum internal floor area for different sized dwellings. One bedroom flats should achieve 45m<sup>2</sup>, two bedroom 60m<sup>2</sup>, three bedroom 75m<sup>2</sup> and four bedrooms 90m<sup>2</sup>. It is expected that if a scheme is to demonstrate an 'exemplary standard' of accommodation then these minimum standards should be exceeded.

The proposed development meets and exceeds these minimum overall floor areas, and the individual room sizes.

The internal layouts of the flats and houses generally achieve an excellent level of residential amenity with the vast majority of units exceeding minimum standards in terms of room sizes, with generous spaces provided throughout bedrooms, kitchens and living spaces. All have regular shaped rooms to ensure the units are useable, and the accommodation contains in built storage and adequate outdoor amenity spaces.

All the three bed units and the four bedroom houses have separate kitchens/diners from the main living areas which allows for separation and flexibility of use.

#### *Amenity Space*

The Residential Design Standards [SPD] sets out amenity space standards and advises it is particularly important for family housing in order to provide a safe outdoor



area for children to play in. It can take the form of private gardens, balconies, terraces and roof gardens and the scheme includes all of these elements.

There should be 50m<sup>2</sup> of communal amenity space per development, plus 10m<sup>2</sup> per unit, though for smaller flats a reduced amount (minimum 3m<sup>2</sup> balconies) is acceptable where the shortfall is added to the overall communal provision. The SPD emphasises the need for family housing to have adequately sized and useable amenity space.

Overall, the scheme will provide a significant amount of communal amenity space with a large space to the immediate rear of the main building, and with other communal landscaped areas through the site to the rear.

In addition, each of the dwellings will have private amenity spaces and some of the units within the main building will have balconies.

On the basis of the above, the quality of the proposed accommodation is considered to be of a good standard across the development and is therefore in accordance with strategic policy 13 'High Environmental Standards' of the Core Strategy and saved policy 4.2 'Quality of accommodation' of The Southwark Plan [UDP] and the Residential Design Standards [SPD].

#### *Air Quality*

Planning permission for development will not be granted where it would cause loss of amenity, including disturbance from noise, to present and future residents and occupiers in the surrounding area or the present or future occupiers on the application site.

Policy 3.6 'Air Quality' of the Southwark Plan states that permission will not be granted for a development that would lead to a reduction in air quality. The site falls within an Air Quality Management Area (AQMA) due to the high levels of nitrogen dioxide and particulate matter attributable to road traffic emissions.

At the time of writing the Environmental Protection Team (EPT) had not raised any objection to the development.

#### *Other*

Wheelchair accessible units should be designed to meet the council's Residential Design Standards SPD and these should be fitted out at the first occupancy and would be reserved by condition should the development have otherwise been deemed to be acceptable.

#### **Transportation**

Developments in areas with this Public Transport Accessibility Level (PTAL) rating (PTAL level 2) and which are not within a Controlled Parking Zone (CPZ) are expected to provide sufficient on-site parking in order to minimise overspill parking on the road network.

The application proposes to provide 14 off-street car parking spaces. The level of parking proposed is in line with the saved policy 5.6 'Car parking' appendix 15 table 15.4 of The Southwark Plan (UDP) 2007. However, given that the applicant has proposed to provide car club bays the Transport Group would welcome a reduction in the number of off-street parking that has been proposed.

As previously stated the applicant has proposed to provide 14 off street parking spaces (including 2 disabled and 2 car club spaces) The Transport Group welcome the proposal of the two car club bays, however the applicant should be made aware that car club bays mitigate against the under provision of off street parking associated with the site. This is not the case here.

The applicant has proposed to provide two off street car club bays, the Council has been in contact with Street Car and can confirm that one car club bay to be sufficient for this development, and that it would be preferable that the car club bay is located on street as it would also be beneficial to the wider community. The proposed location of any car club bay will need to be agreed in advance of approval with this group and with Southwark's Parking Services.

Should the development otherwise have been acceptable. the applicant would be requested to provide a minimum of three years membership for the residents of the development. This could be secured through the S.106 legal agreement.

*The reasoning behind a three year membership request from a developer is explained by a number of factors. The point behind any car club incentive is to get people out of private vehicles and into shared cars, the more enticing this incentive is the more likely a resident is going to take this up in the first place. A three year membership period ensures some real longevity, it makes it more likely that residents will continue to use a car club after the initial 3 years instead of looking at private vehicle options. If just one or two year's membership is supplied it makes it more feasible that a resident will see a car club as a short-term fix rather than a long-term solution. Finally, in developments where no or very little parking is being offered it is crucial that the impact the development may have on surrounding traffic and parking pressures is minimised, offering a three year membership helps ensure a car club has the most succinct impact possible without over-burdening the developer.*

The applicant is proposing 2 disabled car parking bays, one each associated with houses 2 and 3. The applicant must be made aware that the proposed disabled bays must adhere to the dimensions as stated by the DfT in *Parking for Disabled People*:

The dimensions of off-street parking bays should provide a rectangle at least 4800mm long by 2400mm wide for the vehicle, along with additional space as follows:

- (a) where the bays are marked parallel to the access aisle and access is available from the side, an extra length of at least 1800mm, or
- (b) where the bays are marked perpendicularly to the access aisle, an additional width of at least 1200mm along each side. Where bays are adjacent, space can be saved by using the 1200mm "side" area to serve the bays on both sides (Figure 4).

With regard to cycle storage, the level proposed within the development exceeds the minimum requirements set out within the Southwark Plan (UDP), which is welcomed.

Overall, it is considered that the proposed development, subject to the imposition of conditions (should the development have otherwise been deemed acceptable), and obligations within the S106, would meet the relevant policies of The Core Strategy and The Southwark Plan [UDP].

### **Design and Conservation**

The existing building on the subject site is a substantial Victorian property which retains many of its original features. It is a local landmark and is included in the conservation area appraisal as an important unlisted building. As such it is considered as a designated heritage asset under PPS5: Planning for the Historic Environment. It is a pavilion block with a distinctive silhouette and picturesque design with evidence of

later additions. To the rear the site slopes away and is characterised by mature planting including a number of substantial trees.

The Council's has published an SPD for this site which is a material consideration for any proposal. The published SPD describes the sensitivities, identifies this site as being suitable for backland development and gives an indication for appropriate development.

Saved policy 3.13 'Urban Design' of The Southwark Plan [UDP] 2007 asserts that the principles of good urban design must be taken into account in all developments. This includes height, scale and massing of buildings, consideration of the local context, its character and townscape as well as the local views and resultant streetscape.

Saved policy 3.12 'Quality in design' of the UDP asserts that developments should achieve a high quality of both architectural and urban design, enhancing the quality of the built environment in order to create attractive, high amenity environments people will choose to live in, work in and visit. When we consider the quality of a design we look broadly at the fabric, geometry and function of the proposal as they are bound together in the overall concept for the design.

The main elements of the proposal can be divided into three parts: the conversion of the existing substantial building on the site; the extension of the existing building by the addition of a new house on the east flank of the building; the creation of 5 new residential units in the rear garden of the property and the establishment of a communal garden at the centre of the site.

#### CONVERSION OF THE EXISTING BUILDING

The existing building is a fine example of a substantial Victorian locally listed building, it is included in the published conservation area appraisal as an important unlisted building and as such it is considered as a heritage asset as defined by the recently published PPS5: Planning for the Historic Environment. It retains many of its original features, staircases, fireplaces and intricate coved ceilings. In this light the proposal to subdivide the main building into a number of residential units should seek to conserve and enhance its features of historic and architectural significance and its setting.

The proposal responds to the significance of the existing building, arranging the accommodation sympathetically and retaining many of the building's original features including the main staircase and a number of panelled rooms. The applicants have undertaken a full and detailed measured survey of the existing building which they have included in the application.

The proposed subdivision compliments the existing building, using its natural internal sub-divisions and features. On the west side of the building a house is arranged around an existing ornate stair and a number of panelled rooms. Further, the floor plan of the main building is divided simply into a single unit on the lower ground floor, two units on the upper ground floor and two maisonettes on the first and second floors. Where the plan has been divided into two units they are arranged around the existing central dividing spine wall and have resulted in a sympathetic and appropriate conversion of the property which preserves the principle rooms without subdividing them and retains many of the building's historic features like staircases, fireplaces, ceilings and roof structures.

#### EXTENSION TO THE MAIN BUILDING

To the east, the main building is proposed to be extended to create a new single family residence. The scale and massing of the proposed extension is deliberately

designed to be subservient to the existing building. The facade is set back from the main face of the existing building, is around one third of the width of the original building and, at only two storeys in height introduces an appropriate drop in scale in this location.

Further, the design responds to the highly articulated roof form of the original building and utilises a mix of gables, bays and hipped roofs to relate the extension to its host. The extension will read as an appropriate addition to the main building, with its own interest and delight. It takes the form of an annexe to the main building echoing a number of its features and reflecting its geometry and fenestration.

In the view of the Council the proposed extension has the potential to reflect the asymmetry and picturesque qualities of the host building and conserve its distinctive features including its distinctive gables and chimneys. An important part of the proposed scheme is the proposal to make this a single family residence which will compliment the main building rather than challenge it.

The detailed design of the extension to the main building is carefully considered. It not only reinvents the original building's significant features, its gables, chimneys and roof forms but also ensure that features of the host building are conserved and enhanced. For example, the area of the extension has a prominent gable end with intricate corbelled brickwork and is not easily extended. The proposed new house takes the form of an annexe that is set-back where it abuts the existing building and preserves the prominent gable and chimneys to create an appropriate relationship with its host.

The detailed design and materials of the proposed annexe to the original building could be reserved by condition (should the development be otherwise considered to be acceptable) to ensure that the facing materials chosen for the constructed scheme relate appropriately to the original historic building.

#### CONSTRUCTION OF DWELLINGS TO REAR

The proposal varies from the advice given in the SPD which states that a single block of accommodation is appropriate. Indeed a single building may be more detrimental to the open parkland setting of the existing site and smaller sensitively designed pavilions may be more appropriate.

The proposed development includes the construction of five new houses arranged in two groups to the rear of the property. Two houses are sited in the parkland setting to the north of the main building with a further three individual houses sitting within the trees to the rear (north) of the site. An important consideration of the proposal is its impact on the mature tree canopy of this woodland setting which characterises the northern extremities of this site.

The full assessment of the impact of the development on the woodland and vegetation is considered below.

Immediately below the main building the site lends itself naturally to two pavilion houses each with their own gardens allowing views through to the rear of the site. Further to the rear of the site there may be scope for additional houses located carefully positioned to ensure the protection of the woodland character and retention of vegetation.

In the view of the Council two storey pavilion houses are appropriate to the rear of the site which is sensitive to additional height. The proposed dwellings within the rear garden will need to be considered in detail and visualisations of the scheme for the pavilion blocks should be included in any subsequent submissions. In summary, it is

considered that individually designed pavilions nestled between the mature trees, each with its own private amenity space, is an appropriate response to this sensitive site provided the scheme does not impact on the dense green canopy of the site and its woodland character. The view of the Council's Urban Forester has been sought (and provided below) on the acceptability of the proposed houses 1-3 in particular and the impact on the natural heritage on this site.

The proposed distribution of dwellings to the rear of the site needs to strike the right balance of solid to void, preserving the sense of openness of the site, allowing clear views between the villas and encouraging permeability across to the rear of the site from where spectacular views of London can be gained. The siting of the villas at the heart of the site preserves some of the more mature trees at the flanks and rear of the site and will mean that the new houses are unlikely to be prominent from the north. However, the application does not include views of the site as existing and proposed, from the north on Grovelands Close as previously requested to demonstrate the impact of this proposal on its setting. This site forms a part of what is considered the 'green backdrop' of the metropolis and insensitive or inappropriate additions in this location will have a significant impact on this green setting and may be considered inappropriate.

The new dwellings to the rear of the site are deliberately modern in their design. The proposed design breaks down the bulk of the houses into discrete geometric forms made up of natural materials, handmade brickwork, timber cladding and framed timber pergolas which give the individual houses an organic geometry, an articulated form and a direct connection to their natural setting. The visualisations suggest a group of houses nestling amongst the trees. The detailed design balances the amenity of neighbouring properties whilst capturing the essence of the site improving visibility and permeability across the site whilst achieving the environmental performance required by each new residence. The houses have larger areas of glass and not only to reduce the solidity of the proposed villas but also to enhance their connection to their mature context.

Further, the detailed design and materials of the proposed new dwellings should be reserved by condition (should the development otherwise be considered to be acceptable) to ensure that the facing materials chosen for the constructed houses relate appropriately to the natural setting.

#### COMMUNAL GARDEN

In terms of the public realm the development includes a detailed proposal for a formal garden to the rear of the main building which will also act as the communal amenity space for the group of new houses. The 'formal' garden is arranged around a substantial mature tree at an elevated plateau and gives the original building an appropriate setting. Discrete natural screening is proposed to separate residential units from the communal garden and from each other and preserves to the sense of openness of the original garden. The landscape design has been considered in greater detail, with smaller areas of hardscape and the design and distribution screens developed to enhance the sense of openness and greenness of the site.

Finally, much of the public realm is taken up by parking and associated roadways. Parking will dominate the front of the site and the flank is taken up by the meandering roadway which will mean that much of the middle of the site will be paved reducing even further, the landscaped character of the site. Officers remain concerned about the way this roadway will be used and the sheer number of owner and visitor parking provided on this site and would welcome a reduction. This will not only improve the appearance of the site and its day-to-day use but also better relate this scheme to its historic context.

Overall, it is considered that the design of the main building and the side extension are of a high quality. In addition, notwithstanding the considerations relating to the impact on vegetation, the design of the detached dwellings is considered to be acceptable, subject to detailed design and materials.

### **Impact on character and setting of a listed building and/or conservation area**

The main building is a locally listed building, it is included in the published conservation area appraisal as an important unlisted building and as such it is considered as a heritage asset as defined by the recently published PPS5: Planning for the Historic Environment.

In the view of officers the proposed extension responds sensitively to the setting of this heritage asset. It does not exceed the height of the eaves of the main building; it reflects the asymmetry and picturesque qualities of the host building and conserve its distinctive features including its distinctive gables and chimneys. In its extent the proposed extension should not exceed the Grove park frontage by more than 50%. More comments as to its appropriateness in detail are provided above.

The woodland setting of the rear of garden is a significant contributor to the setting of the conservation area, the setting of the original building and other neighbouring listed buildings all of which are are heritage assets. To this end, the degree to which the new dwellings conserve and enhance the woodland setting and setting of nearby listed buildings will be significant to the consideration of this aspect of the application.

The mature screening along the site boundaries is either preserved or buffered with new planting and will act to lessen the impact of the development, when viewed from neighbouring sites. In addition, the bulk and scale of the extension to the main building and that of the rear dwellings are not considered to impact on the setting of neighbouring listed buildings.

However, the degree to which the proposed development will impact on the character of the conservation will be greatly dictated by the impacts on the woodland setting, as discussed further below.

### **Impact on trees**

Following advice at pre-application stage concerns were raised regarding the effect of development on the trees and woodland to the rear and sides of this site. These issues have therefore required the submission of additional supporting information through the course of the planning application comprising a full Arboricultural Impact Assessment (AIA) report (prepared by Landmark Trees dated 2nd December 2010) and Ecology and Bat Survey Reports (which are assessed below).

The trees on the site are protected by virtue of the Camberwell Grove Conservation Area. The extent and quality of the trees is such that they are also considered to merit protection via a woodland and/or group designation Tree Preservation Order. Using the TEMPO methodology, trees are assessed as attaining a score which would definitely indicate that a TPO is expedient in the interests of amenity.

In considering the application the Urban Forester has referred to the following documents:

- London Plan 2011
- Southwark Core Strategy 2011
- The London Tree and Woodland Framework 2005
- 123 Grove Park SDP

- Ecological Assessment report provided by London Wildlife Trust conservation services
- The submitted Arboricultural Impact Assessment (AIA)
- Landscape Design Statement
- Access and Services Strategy

The AIA includes a schedule and survey showing the location, species and condition category of trees on the site. The site is observed to be heavily wooded with a number of trees of high quality. Development constraints are described and include details of the proposed root protection areas, tree retention according to condition category and the effects of shading. The effect of the proposed development is discussed in relation to the total number of trees noted for removal and the impact of construction on root protection areas.

Other impacts are described such as post occupation conflicts, house foundations, driveway construction and leaf / litter fall. Drawings show which trees are proposed for removal and retention together with the extent of root protection areas. The AIA report concludes that the proposed development will result in no demonstrable harm and recommendations are made as to how trees should be protected in order for development to proceed. The information submitted therefore broadly follows that required in BS 5837 Trees in relation to construction (2005) including site management processes.

#### TREE REMOVAL

The proposal will result in the loss of 83 trees with an additional 40 others affected by construction. Although not included within the survey, the majority of smaller understorey vegetation, which is a defining characteristic of naturally regenerating woodland, will also require removal. Other than these understorey shrubs and herbaceous vegetation, a large number of the trees proposed for removal consist of smaller self seeded specimens which are of lesser quality when assessed on an individual basis. However, their contribution to the character and ecological performance of the woodland is more critical when considered as a whole.

This is of less significance toward the front of the site where the character and setting of the existing house is a primary consideration and where a more formal planting design is appropriate. In addition, not all such saplings are noted for removal here and, overall, sufficient screening is retained at the front. In contrast, the removal of larger trees to the rear of the site may adversely affect screening afforded to adjacent properties at either side.

A number of small tree groups are proposed for removal in order to facilitate the access road and the houses to the rear of the site. In light of the 123 Grove Park SPD, it is considered appropriate that the loss of some of these groups can be mitigated through suitable replacement planting. However, the loss of large and good condition trees T30, T58 and T59 is considered unacceptable. Appendix 5 of the SPD shows trees which are of particular value and therefore require retention without damage to their root protection zones. Trees T156 and T157 to the front of the site which are included for retention within the SPD are shown as removed. Although T30, T58 and T59 are not included within the guidance outlined in the SPD they are considerably sized specimens including two of the tallest mature trees within the woodland. As such, they provide a large amount of woodland canopy cover and ecologically important structure.

If the two large Elms fronting onto Grove Park are included for removal (noted to be dying due to Dutch Elm Disease) the total amount of vegetation lost is approximately 18 sq metres by stem girth. In line with guidance within the SPD (if this level of tree

removal is considered to be acceptable) this amount of tree stem area should be replaced in order to ensure that there is no net loss of vegetation.

A CAVAT valuation of the trees proposed for removal, again including the Elms, gives a total of £201,063.

## HOUSE FOUNDATIONS

The foundations associated with the construction of the houses to the rear are proposed to be of a proprietary no-dig specification (HouseDeck). The following description is taken from The Arboricultural Information Exchange, an independent advisory website:

*"This is a system which is useful for building near to trees due to its flexibility in pile placement and the fact that the traditional 'trench and fill' method of foundation is not required. It uses a system of small diameter (200-300mm) concrete columns (piles) driven deep into the ground which then support a 'cast concrete cap' which consists of the floor and ground bearing beams. This is reinforced with steel and can also incorporate a stainless steel lip to enable brick elevations to 'sit' to the side of the foundation and thus hide the concrete base. For use near trees the lack of a foundation trench is advantageous. A typical trench needs to be 1m + in depth and will usually need to be under all elevations. As most tree roots occupy the upper 600mm of soil, mass root severance will often occur. The base of the HouseDeck system sits on the ground surface and uses the piles for support so root severance will be less. Further safeguards can be employed to control excavation in difficult situations by using a method statement to minimise root damage. For example, carrying out initial exploratory excavation to a depth of 1m at those proposed piling positions which are particularly close to the trees. If large roots are encountered then the pile position can be changed slightly."*

The proposed foundation design is therefore considered to be appropriate and acceptable in principle. However, great care will be required to position piles, the use of hand auguring and to construct concrete decks. The final technical details for such a system could be controlled and agreed through condition, should the application be otherwise considered acceptable. However, as above, the use of this system does not prevent the removal of two of the largest trees (T58 & T59) and the development will still result in the loss of associated woodland understorey.

## IMPACT ON RETAINED TREES

The proposed development will require the construction of an access road to the eastern side of the existing building to service the five proposed houses to the rear, with areas of hard surfacing required increased due to the proposed car parking areas. The combination of these factors would in effect sterilise a large area of space formerly available for natural occurring vegetation and woodland regeneration.

The topography of the site is notable for the changes in level of up to 5m. A series of terraces drop in height towards the north west and a gully forms a striking feature near to the eastern boundary within which a pond currently sits. The location and construction of the access road and related hard surfaces will therefore require considerable earth remodelling, movement and profiling (regardless of the claim from the applicant that the access road will not require any disturbance of ground).

Overall, insufficient consideration has been given to the affect of the access road and service runs on retained trees, particularly those to the front of the site and near the eastern boundary where it falls within the tree root protection areas shown within the AIA. Due to the significant fall in levels, drainage will require excavations and



infrastructure for sewage to be pumped uphill towards the main sewer on Grove Park. Details of this infrastructure is needed in order to gauge the likely affect on tree root protection areas.

In addition, the Access and Services Strategy states that a tarmac road construction is proposed where trees have been removed between houses, which is contrary to guidance set out in the SPD and to the site drainage requirements generally. Reference within the AIA of the ability to remove 50% of tree roots without harm is not supported by relevant good practice contained within British Standards and cannot be used to substantiate any construction works such as the location of foundations, service utilities or roads, all of which must be of a no-dig specification to prevent damage and unnecessary tree removal.

Other than trees which will require removal in order to facilitate construction, the AIA identifies eight trees which will incur damage greater than that recommended by the British Standard (i.e. > 20% RPA encroachment) including four which are of the highest Category A and B. The most significant of these is Yew Tree (T135) located in close proximity to the proposed extension to the existing building. When taking into account the ancillary foundation and scaffolding required to construct the new elevation a significant amount of the tree's crown will be removed hence disfiguring its appearance and creating a potential for nuisance due to the need for regular and repeated pruning. Elsewhere, work will be required to significantly lift the crowns of the retained trees adjacent to the proposed houses which may adversely affect their ecological value and use as habitat.

## LANDSCAPE STRATEGY

This document mirrors the AIA in noting the heavily wooded character of the site at present. Landscaped areas are divided between the entrance forecourt and the rear grassed area where a playground, communal lawn and private gardens are proposed. The structured and well composed features and planting plans for these areas are of design merit. They are a well balanced response to the formal setting and use of these more open spaces within the site. Planting is also proposed for the roofs of the proposed houses.

Plans show access to a remaining area of communal woodland to the north east. It is not clear from the strategy how much of the remaining woodland would be characterised by naturally occurring understorey vegetation with all the attendant benefits to biodiversity. Cross sections, images and plans show the majority of rear gardens and the communal viewing area relandscaped with new planting including hedges, fencing, paths and seating. Although indicative locations for replacement tree planting are shown, including the use of native species, no assessment is made of the need for no net loss of vegetation (which is sought within the SPD).

The clearance of the understorey to provide an intensively designed garden setting, although well proportioned, is not appropriate and contrary to the retention of the site's woodland character. In order for this to be sustainable, ground and understorey cover must be retained intact or enhanced in order for natural regeneration to occur and for the tree canopy to be maintained in the longer term. Proposed replacement trees contained within the AIA identify non-native species or cultivars which are suitable for restricted sites rather than the woodland setting which requires longer lived, large canopy trees.

## POST OCCUPATION

The design and layout of the houses to the rear is predominantly and unavoidably characterised by their setting within the woodland, together with their location sitting

directly beneath the canopies of large trees. If no net loss of vegetation is to be ensured a number of trees of potentially large size at time of planting will need to be replaced throughout the site and in close proximity to proposed houses numbered one to five. By its nature, any future occupation will therefore need to consider dense shade cast by the overhead tree canopy and the effects of natural woodland leaf and litter fall, insects and other naturally occurring phenomena. Due to the amount of expected shade, which will increase as replacement trees mature and canopy spread regrows, the proposed green roofs may be difficult to establish and maintain. Future requests by occupiers to fell and severely or inappropriately prune trees are therefore foreseeable and likely. A woodland TPO has been recommended by the Urban Forester in order to maintain and conserve the woodland character.

## CONCLUSION

Overall, it is considered that the development will result in harm to trees protected by means of a conservation area and meriting protection with a TPO. In addition, it represents an unacceptable loss of trees and reduction in overall tree canopy cover to the detriment of amenity and biodiversity. Mitigation measures to address tree loss and adverse effects to biodiversity are insufficient and uncertain to be successfully resolved via the placing of conditions. However, an amended layout showing the retention of the trees described above together with the associated woodland understorey could be more sympathetic to the woodland setting.

For the reasons above, the application is considered not to adhere to policies 7.19 'Biodiversity and Access to Nature' and 7.21 'Trees and woodland' of The London Plan.

In particular, 7.21 'Trees and woodland' states that these should be protected, maintained, and enhanced, following the guidance of the London Tree and Woodland Framework. Planning decisions should retain existing trees of value and any loss as the result of development should be replaced. Wherever appropriate, the planting of additional trees should be included in new developments, particularly large-canopied species.

Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy seeks to protect and improve habitats for a variety of wildlife by protecting woodland and trees and improving the overall greenness of places.

The proposal is also not in accordance with the Southwark Plan saved policies 3.1 'Environmental Effects', 3.2 'Protection of amenity', 3.13 'Urban design', 3.16 'Conservation areas' and 3.28 'Biodiversity'. It is therefore recommended that the application be refused on this basis.

## Ecology

The application has been accompanied by a Ecological Survey Report and Bat Activity Survey (both prepared by Applied Ecology Ltd).

In addition, some of the neighbours have commissioned a desk based Ecological Assessment from London Conservation Services (dated 9th August 2011).

The Council Ecology Officer has reviewed both reports submitted from the applicant and that submitted by LCS.

A Phase 1 Ecology Survey is recommended by Natural England in the Standing Checklist Advice if a new building is planned and would impact on priority habitats and species. The site is close to several SINC sites and contains National BAP priority

habitats (including woodland, standing water and scrub).

The lack of the Phase 1 Survey and search of local ecological records in preference for a walkover survey, fails to provide sufficient information to determine the potential ecological value of the site and the impacts of this development. It is also noted that the walkover survey was undertaken in March which is outside the optimum season, which also limits the findings of this report.

Best practice guidance from IEEM on baseline Ecological Assessments advises that the first step is to consult and gain access to local biological records. Often this is referred to as the desk study. This has not been included within the ecological report. The report is incomplete without this information informing the site visit and following habitat surveys.

The resulting judgements regarding the ecological value of the subject site are open to challenge. This view is supported by the London Conservation Services ecological assessment and critique of existing documentation report regarding this application.

The Ecological Officer has found over 30 records of protected species within 500 metres of this site.

In relation to European Protected Species, bats have been recorded actively using the site and old droppings were recorded in the existing building. This supports the criteria for undertaking an extended Phase 1 survey and a bat activity survey consistent with best practice. Given the sensitive nature of this site, a new Bat Activity Survey that is consistent with best practice would be advisable.

PPG 9: Biodiversity and Geological Conservation policy of preventing harm to biodiversity would suggest that without a comprehensive assessment of the ecological habitats and species of this site and adequate mitigation offered for what is present then planning permission should be refused.

Saved policy 3.28 'Biodiversity' of The Southwark Plan [UDP] does not permit developments which would damage biodiversity.

Strategic Policy 11 'Open Spaces and Wildlife' seeks to protect and improve habitats for a variety of wildlife by protecting woodland and trees and improving the overall greenness of places.

The Sustainable Design and Construction SPD seeks to avoid harm to protected species and their habitats, including natural features that could provide habitat, such as mature trees, shrubbery, ponds and deadwood, should be retained, and it is preferable to work with existing habitats than replace with new ones.

The negative impacts of a development should first be reduced as much as possible through design, construction and management.

The development is contrary to Strategic Policy 11 'Open Spaces and Wildlife' of the Core Strategy 2011, saved policies 3.1 'Environmental effects' and 3.28 'Biodiversity' of The Southwark Plan [UDP], the Sustainable Design and Construction SPD and 'Work for Wildlife' Southwark Biodiversity Action Plan.

Overall, it is considered that without a sufficiently detailed Ecological Assessment and adequate mitigation this application has provided insufficient information to be able to properly determine its ecological impacts and therefore should be refused.

## **Water**

In accordance with saved policy 3.9 'Water' of the Southwark Plan [UDP] new developments should not result in an increase in surface run-off, which could result in increased flood risk and pollution.

Further information is needed on the proposed drainage of the site, which should adhere to Sustainable Urban Drainage (SUDs) methodology.

### **Waste**

The proposed development will provide four areas for communal refuse and recycling comprising two to the front of the property (one each near the entrance and exit) and two further stores (one being near the eastern boundary near house 5 and the other located between house 1 and house 4).

Each bin store is covered and would contain 1 x 660L refuse and 1 x 660L recycling bins to provide a total of 2640L of refuse and 2640L for recycling capacity each week.

The likely weekly waste generation has been estimated to be 2370L for refuse and 1580L for recycling. The development would therefore meet the likely waste generation of the development. However no information has been submitted regarding collection of refuse. Therefore, should the application have otherwise been considered to be acceptable, a condition would have been imposed requiring the submission of a refuse management strategy, prior to implementation.

### **Archaeology**

The site in question is not located within an Archaeological Priority Zone but contains material of potential interest due to the development site's former use as part of the gardens of the Grove Hill Estate. It is apparent that features relating to this former landscape may survive within the grounds of the house. The proposal is for a major programme of landscaping and construction work within the garden which will have a significant impact upon the site. The proposal is also for the conversion of the house to flats.

Should the development have otherwise been acceptable, a programme of archaeological work would have been sought on this site by suitably qualified and experienced archaeologist to agreed written schemes of investigation.

### **Planning obligations (S.106 undertaking or agreement)**

The applicant has provided a Unilateral Undertaking offering the following planning contribution amounts:

- Education contribution - £51,338
- Employment in the development - £0
- Employment during construction - £7,957
- Employment during construction management fee - £645
- Open space contribution - £2,545
- Children's play equipment - £2,736
- Sports development - £12,419
- Transport strategic - £6,000
- Transport site specific - £0
- Public realm - £9,000
- Archaeology - £0
- Health facilities contribution - £11,534

- Community facilities contribution - £2,583
- Administration fee - £2,295

The total offered being **£109,052**

In accordance with the S.106 Planning Obligations SPD and the associated toolkit, this development should provide the following contributions:

- Education contribution - £67,963
- Employment in the development - £0
- Employment during construction - £8,369
- Employment during construction management fee - £645
- Open space contribution - £5,438
- Children's play equipment - £2,926
- Sports development - £13,269
- Transport strategic - £8,675
- Transport site specific - £0
- Public realm - £9,000
- Archaeology - £10,199
- Health facilities contribution - £12,305
- Community facilities contribution - £2,809
- Administration fee - £2,832

The subtotal being **£144,430**

In addition, the Council would likely seek to secure through the legal agreement the following:

- A financial contribution of £5,000 toward providing an on-street car club space
- 24 months of car club membership for future occupiers of the development

Given that the proposed development fails to provide adequate planning contributions, it is considered that the development is contrary to saved policy 2.5 'Planning contributions' of The Southwark Plan [UDP] 2007 and the S.106 Planning Obligations SPD.

The applicant has therefore failed to adequately mitigate against the impacts of the development and, in accordance with Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, it is recommended that the application be refused for the following reasons:

1] The development fails to adequately mitigate against the adverse impacts of the development in relation to education, employment during construction, open space contribution, childrens play equipment, sports development, transport strategic, archaeology, health facilities and community facilities. The development is therefore contrary to policy 8.2 'Planning Obligations' of the London Plan, saved policy 2.5 Planning Obligations of the Southwark Plan 2007, Strategic Policy 14 Implementation and Delivery of the Core Strategy (2011) and Supplementary Planning Document 'Section 106 Planning Obligations' 2007.

### **Affordable Housing**

Saved policy 4.4 'Affordable housing' of The Southwark Plan [UDP] states that the Local Planning Authority will seek to secure 3 affordable housing units where 12 new units are provided. As such, the development proposes 3 affordable housing units

within the main building (comprising 1 x 1 bed, 1 x 2 bed and 1 x 3 bed units).

The proposed development is therefore policy compliant.

### **Sustainable development implications**

The application has been accompanied by an Energy Statement Report and a Renewable Energy Statement (both prepared by Hoare Lea). According to these documents low carbon technology, renewable technologies, energy efficient equipment and passive design will be incorporated into the scheme.

Each new dwelling to the rear (in addition to the two x four bedroom units with the main building) will be provided with 5.0m<sup>2</sup> of solar hot water panels, and single storey apartment will be served by 3.0m<sup>2</sup> of solar panels. Overall this is predicted to save 5% CO<sub>2</sub>.

The energy strategy was developed in line with the Mayor's Energy Hierarchy of 'Be Lean', 'Be Clean' and 'Be Green' scenarios to reduce energy consumption. It is predicted that an 11% reduction in CO<sub>2</sub> emissions will be achieved through energy efficiency measures, with a further 27% reduction from Air Source Pumps and another 5% reduction from Solar Hot Water.

The predicted overall reduction in CO<sub>2</sub> emissions will be approximately 43% from the Baseline Building Regulations Part L (2006).

In addition, the new dwellings are to achieve compliance with the Code for Sustainable Homes 4 star rating and the refurbished units are to comply with ECOHomes Excellent rating.

### **Other matters**

There are no other matters for consideration.

### **Conclusion on planning issues**

Overall, for the reasons further explored above, it is considered that the proposed development has failed to justify the excessive loss of vegetation at that site, has not provided adequate mitigation planting through the landscaping scheme, failed to provide sufficient information on biodiversity, and has not provided sufficient planning contributions. As such the development is contrary to relevant policies of The Southwark Plan, the Core Strategy and the London Plan, and should be refused on this basis.

### **Community impact statement**

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.

### **Consultations**

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

## **Consultation replies**

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

### Summary of consultation responses

A number of objections have been received from 52 individuals or groups from the following addresses:

- 1, 1a, 2, 3, 4, 5, 10, 12, 34, 36, 37, 51, 58, 61, 64, 76, 79, 83,85, 87,88, 92, 93, 95, 99, 102, 111 and 124c Grove Park
- 49, 171, 174b, 175a, 177d , 179, 179a, 180, 181, 183, 185 and186 (Garden Flat) Camberwell Grove
- 15, 18, 26, 30 and 43 Grovelands Close
- 140 Ivorydown, Bromley (former gardener of 123 Grove Park)
- The Camberwell Society
- Ivanhoe Residents and Tenants Association
- Shareholders of Grove Park (Camberwell) Ltd, being the owners and leaseholders of 124 and 125 Grove Park
- No address given x 3

The reasons for objection have been summarised as following:

### **Trees / Ecology**

The felling of over 80 trees comprising the woodland would decimate the mature woodland rarely found in an unspoilt state within suburban areas.

The proposed landscaping of the site is unacceptable given the nature of the vegetation proposed to be removed.

The Ecological Survey does not accurately assess the natural habitat of all resident species, with the only species given assessment are bats and stag beetles. Further assessment of the site in more detail is required.

Considerations are made that the Ecology Survey is inadequate.

If there was serious concern over the conservation of this ecology surely the advice would be not to develop within this woodland.

The loss of birdlife is attributed to the destruction of their natural habitat, and this woodland should be preserved.

The removal of the dead trees and undergrowth would cause a devastating effect upon small mammals, insects, reptiles, flora, fauna and fungi at the site.

The significant loss of trees would result in a considerable loss of amenity and privacy for neighbouring properties.

Neighbours have approached London Wildlife Trust (LWT) to provide an independent assessment of the ecology of the site. They have apparently not been given access to the site from the developer. This independent report has been submitted to the Council, and within it, the report recommends further assessment is undertaken.

It is requested that the developer prepare more comprehensive ecology reports.

No information has been provided regarding services to the site, whether these are above or below ground

Questions are asked how are the buildings going to be constructed without serious damage to the retained vegetation, and in addition insurance companies wont allow mature trees so close to buildings and therefore they may require further removal of vegetation given the proximity of the buildings to trees.

Suggested conditions are required for protection scheme of trees and that any damaged should be replaced.

Landscaping, construction of foundations, clearance and levelling works etc will further impact on trees.

### **Landscaping**

The Council should insist that the developer fully define the extent and nature of any trees to be planted.

As mentioned, representations consider the landscaping proposal inadequate.

### **Consultation / Policy**

Neighbours are disappointed that the applicant did not undertake public consultation.

The 123 Grove Park SPD must form the basis of any planning decision, and given the size of the development it should be 'called in' to Planning Committee.

There has been a considerable amount of consultation between the developers and staff in the Planning Department without the involvement of the local community.

The consultation period of 21 days seems too short in which to consider an application, and there should be a longer time period to allow interested parties time to assess the application.

There is some concern from freeholders not living in the area that they have not been directly consulted.

The Council should encourage the developer to consult with the local community.

The developers should be holding a public meeting to discuss the scheme.

### **Water**

A stability report needs to be prepared and made available and in accordance with policy 3.9 'Water' of the Southwark Plan new developments should not result in an increase in surface run-off, which could result in increased flood risk and pollution

Grovelands Close (to the north of the site) has an existing, significant problem with



water runoff and there is concern that any tree removal or building over this land will result in a serious increase in surface water runoff into the Close.

### **Amenity**

There will be noise and disturbance from the removal of trees and the construction of a suburban character development, including diggers and tree felling for example.

The rear gardens of adjoining properties will be overlooked from the proposed dwellings to the rear.

There are insufficient plans for fencing and security of the area and boundary treatment. The high front gates and fences would be detrimental to the character of the Grove Park Conservation Area, and the high railing would result in a gated community feel to the site.

Neighbours need to know exact specifications of the boundary treatment.

There is objection to the communal garden and decking area with views out to the north and into adjoining properties.

There is concern regarding noise from the seating in the communal garden and decking area.

The children's playground is close to the boundary would create noise disturbance to neighbouring occupiers.

Any lighting of the development would create light pollution, details should be provided within this application.

### **Main Building**

There is no objection to a sensitive redevelopment of the main building as it has stood empty for a number of years and has been occupied by squatters in the past.

The neighbours welcome the decision to change the main building to residential and the proposal to include three affordable flats.

There is support for the works to the main building but concerns over the size of the side extension, the extension is too large and could result in the future loss of the yew tree.

The plans show a large solid encased portico to the front door which projects forward of the building line, such a feature is not in keeping with the existing building or nearby Edwardian buildings.

The SPD suggests that the side extension should only be a storey or two in height, and will extend right up to the yew tree, which will require significant works

Samples of the proposed bricks should be approved by the Council.

### **Bulk and Scale**

There are objections to the proposed construction of 5 dwellings as the SPD suggests only one building should be built to the rear of the main building.

The SPD suggests that development to the rear should comprise a single building of

a maximum of two stories and that development should not be greater than the current footprint of the existing building.

The proposed side extension is excessive and should only be one storey in height.

### **Conservation Area**

The proposed development is too big and will spoil the character of the conservation area and effect the local environment.

Such a development will not enhance the green and leafy character of the Grove Park Conservation Area.

The high front gates and fences would be detrimental to the character of the Grove Park Conservation Area, any front fences should be not more than 1.0m high.

The SPD states that development will need to be unobtrusive and preserve the character of the conservation area.

### **Transportation**

The parking survey is risible and misleading as parking is impossible from 9am to 6pm during weekdays, the survey is deficient and should be redone.

The demand for car parking in the area is set to increase with this and other developments within the area. The street simply cannot absorb any further increase in car parking.

There is no parking restriction in the area, and people using Denmark Hill train station park within the area.

It would not be appropriate to have covered cycle storage forward of the building line.

The number of car parking spaces within the site should be reduced.

The sitting and width of the proposed access road to the rear which will damage the tree belt.

### **Waste**

It is questioned whether euro bins are suitable for this development, and how the refuse and recycling will be collected as the access would be difficult for large trucks given that they would be more than 20m from the road.

### **Legal Agreement**

It is requested that a legal agreement is secured to encourage the imposition of a CPZ within Grove Park, and a clause to be included requiring the woodland becomes a form of nature reserve with public access.

### **Energy Reduction**

A combination of solar hot water panels and backup from a gas boiler would work well for the provision of hot water. There is also no mention of rainwater harvesting or PV panels for electricity generation.

### **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 additional housing. 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/2154-C  Application file: 10-AP-3751  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: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5470 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

**APPENDICES**

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

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice Head of Development Management	
<b>Report Author</b>	Fennel Mason	
<b>Version</b>	Final	
<b>Dated</b>	15/08/2011	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	no	no
Strategic Director of Regeneration and Neighbourhoods	no	no
Strategic Director of Environment and Housing	no	no
<b>Date final report sent to Constitutional / Community Council / Scrutiny Team</b>		

**Consultation undertaken**

**Site notice date:**

10 June 2011

**Press notice date:**

16 June 2011

**Case officer site visit date:**

10 June 2011

**Neighbour consultation letters sent:**

2 June 2011

**Internal services consulted:**

Archaeological Officer  
Design and Conservation  
Ecological Officer  
Environmental Protection Team  
Metropolitan Police  
Urban Forester  
Transport Planning  
Waste Services

**Statutory and non-statutory organisations consulted:**

None

**Neighbours and local groups consulted:**

Refer to consultee list in Acolaid

**Re-consultation:**

10 June 2011

**Consultation responses received**

**Internal services**

Archaeological Officer - no objection although recommended a programme of archaeological work would have been sought on this site by suitably qualified and experienced archaeologist to agreed written schemes of investigation.

Design and Conservation - no specific objections to the scheme, comments incorporated into main body of the report.

Ecological Officer - considers there is a lack of information on ecology and biodiversity, recommended refusal. Comments incorporated into main report.

Environmental Protection Team - no objection although would request conditions relating to contamination with any further application.

Metropolitan Police - no objections.

Urban Forester - objects to the scheme given the significant amount of vegetation lost, lack of information regarding the construction and protection of retained vegetation, and inadequate replacement planting.

Transport Planning - no specific objection to the application, comments incorporated into the main body of the report.

Waste Services - no comments

**Statutory and non-statutory organisations**

N/A

**Neighbours and local groups**

A number of objections have been received from 52 individuals or groups from the following addresses:

- 1, 1a, 2, 3, 4, 5, 10, 12, 34, 36, 37, 51, 58, 61, 64, 76, 79, 83,85, 87,88, 92, 93, 95, 99, 102, 111 and 124c Grove Park
- 49, 171, 174b, 175a, 177d , 179, 179a, 180, 181, 183, 185 and 186 (Garden Flat) Camberwell Grove
- 15, 18, 26, 30 and 43 Grovelands Close
- 140 Ivorydown, Bromley (former gardener of 123 Grove Park)
- The Camberwell Society
- Ivanhoe Residents and Tenants Association

- Shareholders of Grove Park (Camberwell) Ltd, being the owners and leaseholders of 124 and 125 Grove Park
- No address given x 3

The reasons for objection have been summarised as following:

### **Trees / Ecology**

The felling of over 80 trees comprising the woodland would decimate the mature woodland rarely found in an unspoilt state within suburban areas.

The proposed landscaping of the site is unacceptable given the nature of the vegetation proposed to be removed.

The Ecological Survey does not accurately assess the natural habitat of all resident species, with the only species given assessment are bats and stag beetles. Further assessment of the site in more detail is required.

Considerations are made that the Ecology Survey is inadequate.

If there was serious concern over the conservation of this ecology surely the advice would be not to develop within this woodland.

The loss of birdlife is attributed to the destruction of their natural habitat, and this woodland should be preserved.

The removal of the dead trees and undergrowth would cause a devastating effect upon small mammals, insects, reptiles, flora, fauna and fungi at the site.

The significant loss of trees would result in a considerable loss of amenity and privacy for neighbouring properties.

Neighbours have approached London Wildlife Trust (LWT) to provide an independent assessment of the ecology of the site. They have apparently not been given access to the site from the developer. This independent report has been submitted to the Council, and within it, the report recommends further assessment is undertaken.

It is requested that the developer prepare more comprehensive ecology reports.

No information has been provided regarding services to the site, whether these are above or below ground

Questions are asked how are the buildings going to be constructed without serious damage to the retained vegetation, and in addition insurance companies wont allow mature trees so close to buildings and therefore they may require further removal of vegetation given the proximity of the buildings to trees.

Suggested conditions are required for protection scheme of trees and that any damaged should be replaced.

Landscaping, construction of foundations, clearance and levelling works etc will further impact on trees.

### **Landscaping**

The Council should insist that the developer fully define the extent and nature of any

trees to be planted.

As mentioned, representations consider the landscaping proposal inadequate.

### **Consultation / Policy**

Neighbours are disappointed that the applicant did not undertake public consultation.

The 123 Grove Park SPD must form the basis of any planning decision, and given the size of the development it should be 'called in' to Planning Committee.

There has been a considerable amount of consultation between the developers and staff in the Planning Department without the involvement of the local community.

The consultation period of 21 days seems too short in which to consider an application, and there should be a longer time period to allow interested parties time to assess the application.

There is some concern from freeholders not living in the area that they have not been directly consulted.

The Council should encourage the developer to consult with the local community.

The developers should be holding a public meeting to discuss the scheme.

### **Water**

A stability report needs to be prepared and made available and in accordance with policy 3.9 'Water' of the Southwark Plan new developments should not result in an increase in surface run-off, which could result in increased flood risk and pollution

Grovelands Close (to the north of the site) has an existing, significant problem with water runoff and there is concern that any tree removal or building over this land will result in a serious increase in surface water runoff into the Close.

### **Amenity**

There will be noise and disturbance from the removal of trees and the construction of a suburban character development, including diggers and tree felling for example.

The rear gardens of adjoining properties will be overlooked from the proposed dwellings to the rear.

There are insufficient plans for fencing and security of the area and boundary treatment. The high front gates and fences would be detrimental to the character of the Grove Park Conservation Area, and the high railing would result in a gated community feel to the site.

Neighbours need to know exact specifications of the boundary treatment.

There is objection to the communal garden and decking area with views out to the north and into adjoining properties.

There is concern regarding noise from the seating in the communal garden and decking area.

The children's playground is close to the boundary would create noise disturbance to



neighbouring occupiers.

Any lighting of the development would create light pollution, details should be provided within this application.

### **Main Building**

There is no objection to a sensitive redevelopment of the main building as it has stood empty for a number of years and has been occupied by squatters in the past.

The neighbours welcome the decision to change the main building to residential and the proposal to include three affordable flats.

There is support for the works to the main building but concerns over the size of the side extension, the extension is too large and could result in the future loss of the yew tree.

The plans show a large solid encased portico to the front door which projects forward of the building line, such a feature is not in keeping with the existing building or nearby Edwardian buildings.

The SPD suggests that the side extension should only be a storey or two in height, and will extend right up to the yew tree, which will require significant works

Samples of the proposed bricks should be approved by the Council.

### **Bulk and Scale**

There are objections to the proposed construction of 5 dwellings as the SPD suggests only one building should be built to the rear of the main building.

The SPD suggests that development to the rear should comprise a single building of a maximum of two stories and that development should not be greater than the current footprint of the existing building.

The proposed side extension is excessive and should only be one storey in height.

### **Conservation Area**

The proposed development is too big and will spoil the character of the conservation area and effect the local environment.

Such a development will not enhance the green and leafy character of the Grove Park Conservation Area.

The high front gates and fences would be detrimental to the character of the Grove Park Conservation Area, any front fences should be not more than 1.0m high.

The SPD states that development will need to be unobtrusive and preserve the character of the conservation area.

### **Transportation**

The parking survey is risible and misleading as parking is impossible from 9am to 6pm during weekdays, the survey is deficient and should be redone.

The demand for car parking in the area is set to increase with this and other

developments within the area. The street simply cannot absorb any further increase in car parking.

There is no parking restriction in the area, and people using Denmark Hill train station park within the area.

It would not be appropriate to have covered cycle storage forward of the building line.

The number of car parking spaces within the site should be reduced.

The siting and width of the proposed access road to the rear which will damage the tree belt.

### **Waste**

It is questioned whether euro bins are suitable for this development, and how the refuse and recycling will be collected as the access would be difficult for large trucks given that they would be more than 20m from the road.

### **Legal Agreement**

It is requested that a legal agreement is secured to encourage the imposition of a CPZ within Grove Park, and a clause to be included requiring the woodland becomes a form of nature reserve with public access.

### **Energy Reduction**

A combination of solar hot water panels and backup from a gas boiler would work well for the provision of hot water. There is also no mention of rainwater harvesting or PV panels for electricity generation.