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Item No. 7.5	Classification: OPEN	Date: 1 October 2019	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Council's own development Application 19/AP/1862 for: Full Planning Application Address: GARAGES, HENSLOWE ROAD, LONDON SE22 0AS Proposal: Demolition of existing garage site and construction of 3 new houses for social rent within a short terrace of 2/3 storeys. Each individual house includes associated front and rear gardens, with dedicated bin and bike stores in the front garden areas.		
Ward(s) or groups affected:	Dulwich Hill		
From:	Director of Planning		
Application Start Date 25/06/2019		Application Expiry Date 20/08/2019	
Earliest Decision Date 07/08/2019			

RECOMMENDATION

1. Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The site is currently occupied by two single storey garage blocks with 8 storage spaces per block (16 total), located on the western side of Henslowe Road.
3. The site is located within:
 - Sub-urban density zone
 - Air quality management area

The site has a Public Transport Accessibility Level of 2.

4. The site is not listed, nor is it within a conservation area. There are no heritage assets in the vicinity of the site.
5. The surrounding area is pre-dominantly low to medium density residential units, with a parcel of other open space (Friern Road Allotments) to the south-west of the site.

Details of proposal

6. The proposal calls for the construction of three, two-storey family homes for social rent on the site. Each home would be a three bedroom five person house, with associated

front and rear gardens, and cycle/refuse storage to the front of the properties.

7. Each unit would be of the following specifications:

Ground floor

Living/Dining area: 26.22sqm

Kitchen: 11.15sqm

Bathroom: 2.39sqm

Storage: 2.09sqm

Rear garden: 30.00sqm

Front garden: 12.30sqm

First floor

Single bedroom: 8.65sqm

Twin bedroom: 12.15sqm

Bathroom: 3.95sqm

Second Floor

Double bedroom: 12.75sqm

En-suite: 3.15sqm

Storage: 2.35sqm

Cycle storage x 2

240L refuse storage x 3

Planning history

8. None of relevance to this application.

Planning history of adjoining sites

9. None of relevance to this application

KEY ISSUES FOR CONSIDERATION

Summary of main issues

10. The main issues to be considered in respect of this application are:

- a) Principle of development
- b) Impact of proposed development on amenity of adjoining occupiers and surrounding area
- c) Impact of adjoining and nearby uses on occupiers and users of proposed development
- d) Transport issues
- e) Design issues
- f) Impact on trees
- g) Quality of accommodation
- h) Air quality
- i) Other matters

Adopted planning policy

National Planning Policy Framework (NPPF)

11. The revised National Planning Policy Framework ('NPPF') was published in February 2019 which sets out the national planning policy and how this needs to be applied.

The NPPF focuses on sustainable development with three key objectives: economic, social and environmental.

12. Paragraph 215 states that the policies in the Framework are material considerations which should be taken into account in dealing with applications.
13. Chapter 2 Achieving sustainable development
Chapter 5 Delivering a sufficient supply of homes
Chapter 6 Building a strong, competitive economy
Chapter 8 Promoting healthy and safe communities
Chapter 9 Promoting sustainable transport
Chapter 11 Making effective use of land
Chapter 12 Achieving well-designed places

London Plan 2016

14. The London Plan is the regional planning framework and was adopted in 2016. The relevant policies of the London Plan 2016 are:
Policy 3.3 Increasing housing supply
Policy 3.4 Optimising housing potential
Policy 3.5 Quality and design of housing developments
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 6.9 Cycling
Policy 6.10 Walking
Policy 6.13 Parking
Policy 7.1 Lifetime neighbourhoods
Policy 7.4 Local character
Policy 7.5 Public realm
Policy 7.6 Architecture
Policy 7.14 Improving air quality

Core Strategy 2011

15. The Core Strategy was adopted in 2011 providing the spatial planning strategy for the borough. The strategic policies in the Core Strategy are relevant alongside the saved Southwark Plan (2007) policies. The relevant policies of the Core Strategy 2011 are:
Strategic Policy 1 – Sustainable development
Strategic Policy 2 – Sustainable transport
Strategic Policy 5 – Providing new homes
Strategic Policy 6 – Homes for people on different incomes
Strategic Policy 7 – Family homes
Strategic Policy 12 – Design and conservation

Southwark Plan 2007 (saved policies)

16. In 2013, the council resolved to 'save' all of the policies in the Southwark Plan 2007 unless they had been updated by the Core Strategy with the exception of Policy 1.8 (location of retail outside town centres). Paragraph 213 of the NPPF states that existing policies should not be considered out of date simply because they were adopted or made prior to publication of the Framework. Due weight should be given to them, according to their degree of consistency with the Framework. The relevant policies of the Southwark Plan 2007 are:
Policy 3.2 – Protection Of Amenity

Policy 3.6 – Air Quality
Policy 3.8 – Waste Management
Policy 3.11 - Efficient Use Of Land
Policy 3.12 – Quality In Design
Policy 3.13 – Urban Design
Policy 4.2 - Quality Of Residential Accommodation
Policy 4.4 - Affordable Housing
Policy 5.1 - Locating Developments
Policy 5.2 - Transport Impacts
Policy 5.3 – Walking And Cycling
Policy 5.6 - Car Parking

17. Mayor of London Housing SPG (2016)
18. 2015 Technical Update to the Residential Design Standards (2011)

Consultations

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

Consultation replies

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

Summary of consultation responses

21. Seven objections have been received regarding this application; the relevant planning matters raised are:
 - Construction management
 - Parking
 - Privacy impacts
 - Loss of garage space
 - Daylight/sunlight impacts
 - Design
 - Air quality
 - Equalities impacts.
22. A number of objectors have raised the issue of the boundary wall shared with various properties around the site. This is a party wall issue and not a planning matter.
23. Prior to the submission of this application, the applicant conducted extensive consultation with local residents and garage users between October 2018 and March 2019. This consultation campaign included letters, two public drop-ins, two project group meetings, and an online questionnaire. The drop-in events and project group meetings were held at the accessible and well-known East Dulwich Community Centre and Dulwich Library. The consultation tools were feedback forms handed out at the first drop-in event and a short online survey.

Principle of development

24. There is no protection afforded to garage spaces within the site or surrounding area in policy terms. Furthermore, the surrounding area is predominantly residential in nature, and the proposal would be in-keeping with the character of the area. Thus, the demolition of the existing garages and provision of residential accommodation would be acceptable in principle.

25. It is noted that the density of habitable rooms on the site would equate to 338.6 habitable rooms per hectare (based on the proposed 15 habitable rooms on the existing 0.0443 ha site). This would be within the upper limit of 350 habitable rooms per hectare as outlined in Strategic Policy 5 [Providing New Homes] of the Core Strategy 2011. Thus, the principle of development is acceptable.

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

Daylight/Sunlight

26. A detailed daylight/sunlight impact assessment has been included as part of this application. This analysis demonstrates that impact on the majority of windows and dwellings in the vicinity of the application site would be negligible and within the BRE guidelines. Nos 76 and 82 Henslowe Road would be partially impacted, further details are set out below.

76 Henslowe Road

27. Two of the windows assessed at this property would see Vertical Sky Component (VSC) reduction to 0.78 and 0.79 of their present level, which is extremely close to the recommended 0.80 factor set out in the BRE guidelines. Similarly, a ground floor room would receive a No-Sky Line (NSL) reduction of 0.74, which is considered similarly marginal and would be regarded as acceptable on balance.

82 Henslowe Road

28. A side facing door at No 82 would be more significantly affected, seeing a VSC reduction factor of 0.46. Given this is a door, rather than a window, it is highly unlikely to serve as the sole point of daylight/sunlight if a habitable room is on the other side of the door, and any such room would likely be also served by a rear facing window. Similarly, if the door is the sole access to daylight this would likely be to a hallway, which would not be a habitable room and as such would not need to be assessed. Therefore, in either case, the impact on this door would be acceptable.

Overshadowing

29. BRE guidance suggests for an amenity area, such as gardens, to appear sunlit throughout the year, at least 50% of the garden or amenity area should receive 2 hours of sunlight on 21 March (21 March is the equinox month and is the set day for testing overshadowing in accordance with the BRE criteria). Where a new development would impact a neighbouring garden, a reduction of over 20% of existing sunlight may have a noticeable impact on neighbours.
30. The daylight/sunlight assessment submitted as part of this application indicates that the majority of the units surrounding the application site would be largely unaffected by the proposal in terms of overshadowing into gardens. Where impacts would occur, these are typically marginal and below 1% of existing value.
31. 76 Henslowe Road would see a reduction from 27.8% of the garden receiving 2 hours of sunlight on March 21 to 22.5%. This would be a proportional reduction of 19.1%, which would be within BRE guidelines. Therefore, the overall impact of the development in terms of overshadowing would be acceptable.

Privacy

32. The views from the proposed units would be predominantly towards the front and rear,

and no side facing windows have been proposed.

33. To the front, the distance between first/second floor windows and those found on the opposite side of Henslowe Road would be in excess of 17m. To the rear, the direct views would be in excess of 30m to the nearest residential window. Thus, there would be no significant impact on privacy from direct views to the front or rear of the proposal as these distances exceed the 12 and 21m suggested in the residential design standards SPD.
34. It is noted that there would be oblique views into a room on the first floor of the outrigger of 76 Henslowe Road. A condition is recommended requiring the proposed first floor bathroom to be opaque glazed to mitigate privacy to risks to occupiers of both 76 Henslowe Road and the proposed development.
35. Views from the second floor towards 76 Henslowe Road would be oblique and downward facing and as such there would be a negligible impact on privacy.
36. In summary, there would be a negligible impact on privacy to surrounding occupiers subject to appropriate conditions.

Noise

37. The residential nature of the development would be expected to generate a similar amount of noise to surrounding dwellings, and any further impact on neighbouring amenity in terms of noise would be negligible.

Loss of outlook/Sense of enclosure

38. The bulk and scale of the proposal is generally similar to that of surrounding properties, thus any additional sense of enclosure generated would be marginal and is acceptable.
39. The proposal would be set a sufficient distance from surrounding windows that there would not be any significant impact on outlook for surrounding occupiers.

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

40. As noted above, there are some concerns around the privacy of occupiers at first floor level from side facing views from nearby units. Though this would be addressed by an appropriate condition.

Transport issues

Car parking

41. No car parking has been proposed as part of this application, and it would see the loss of 16 existing car parking garages.
42. A parking survey undertaken by the applicant has indicated the parking capacity of the surrounding road network (including Henslowe Road, Barry Road, Friern Road, and Underhill Road) is 367 spaces, with 43 (12%) of these typically being available.
43. Thus, the increased demand generated by the proposal would be met by the existing parking network of the area, and as such the proposal is acceptable in these terms.

Cycle parking

44. The applicant has indicated space for 6 cycle storage spaces would be provided on site. The proposed units would also benefit from rear garden space which may also be used for bike or other storage, for example in the form of a shed. The proposed cycle provision is acceptable.

Refuse storage

45. The proposed refuse arrangements indicate 3 bins of 240L capacity per unit, for a total of 720L capacity per unit. This is an acceptable level of provision.

Design issues

46. The proposed design is in-keeping with the surrounding area in terms of overall character and materiality. The brickwork facades and tiled roofing would be generally similar to those along Henslowe Road, though it is noted that in terms of overall character there is little architectural consistency in the area.
47. The bulk and scale of the proposal is suitable, with many of the existing dwellings on the road being similarly comprised of two-storey blocks of 2 to 4 terraced units. The proposal would maintain the existing building line, and maintain the relatively consistent height profile of the area.
48. In summary, the proposal offers a high quality design which would be in-keeping with, and respectful of the built form of the surrounding area, and is therefore acceptable in design terms.

Quality of accommodation

49. Each unit would achieve good access to daylight/sunlight, dual aspects, and gross internal areas in excess of those required by the residential design standards SPD. The room sizes proposed are generous, and the proposal would achieve separate kitchens from their respective living/dining areas as required by the residential design SPD.
50. It is noted that the gardens would fall short of the 50sqm of outdoor amenity space required per house. However, given the constrained nature of the site, and otherwise generous room sizes, this is acceptable on balance.
51. Overall, the proposed quality of accommodation would be high.

Environmental effects

Air quality

52. The air quality assessment supplied by the applicant has indicated that the site would be suitable for residential accommodation without air quality mitigation measures.
53. Regarding the impact of construction related dust, the report concludes that subject to appropriate dust management measures; the dust generated by the construction of the proposal could be maintained at a level which would safeguard surrounding local amenity. The report goes on to outline these mitigation measures, including a dust management plan and subsequent monitoring. This report has been reviewed by the council's environmental protection team that have deemed the assessment, and its methodology and findings acceptable. Given the small scale of the proposal, a construction management plan is not deemed necessary in this instance, and

construction would be appropriately managed by the council's housing team.

Land contamination

54. A phase 1 land contamination study has been included as part of this application. This study has identified minor/moderate risks of potential contamination based on the historic use of the site as a car garage and storage space. A condition requiring a phase 2 assessment (including any suggested mitigation measures) is recommended.

Community Infrastructure Levy (CIL)

55. The proposal is liable for Mayoral and Southwark CIL. The party responsible to pay CIL must submit CIL Form1 (Assumption of Liability) and CIL Form6 (Commencement Notice) at least a day prior to material operations start on site.

Other matters

56. No trees would be directly impacted by the proposed development, though a condition requiring detailing of the landscaping arrangement is recommended.

Conclusion on planning issues

57. The proposal would provide new socially rented accommodation of a high standard of design with minimal impacts on surrounding amenity, or the local transport network. The proposed socially rented units would make a positive contribution to the needs of local residents, with 50% of the units to be allocated to local people according to their housing need. The proposal would also contribute towards the council's affordable housing delivery. It is therefore recommended that planning permission is granted.

Community impact statement / Equalities assessment

58. The public sector equality duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
- a) The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 - b) The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
 - c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
59. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

60. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights
61. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of determining this application.
62. Via the consultation process it emerged that a number of occupiers of the garages and nearby residents are young adults with learning disabilities, as well as elderly residents. Further consultation was conducted by representatives from the council's housing team to meet with these affected residents.
63. These garage occupiers with protected characteristics were met by an officer from the council's new homes delivery team and they were offered a possible alternative garage but in both circumstances the offer was declined because a garage further away would not suit the needs of the residents which is mainly for storage. There would therefore be an adverse impact on people with protected characteristics that cannot be mitigated, for which members should have regard.
64. Weighed against this adverse impact is the fact that this development, if granted planning permission, would provide much needed council homes for families, including 10,000 families that are on the waiting list for a new council home.

Human rights implications

65. 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.
66. This application has the legitimate aim of providing new affordable 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2619-78 Application file: 19/AP/1862 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 5840 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Human Rights Considerations

AUDIT TRAIL

Lead Officer	Simon Bevan, Director of Planning	
Report Author	Glenn Ruane, Planning Officer	
Version	Final	
Dated	18 September 2019	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Finance and Governance	No	No
Strategic Director of Environment and Leisure	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
Date final report sent to Constitutional Team	19 September 2019	

APPENDIX 1

Consultation undertaken

Site notice date: 11/07/2019

Press notice date: n/a

Case officer site visit date: n/a

Neighbour consultation letters sent: 15/07/2019

Internal services consulted:

Environmental Protection Team Formal Consultation [Noise / Air Quality / Land Contamination / Ventilation]
Highway Development Management

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

91 Barry Road London SE22 0HR	4 Picketts Terrace Underhill Road SE22 9DX
Southfield House 99 Barry Road SE22 0HR	5 Picketts Terrace Underhill Road SE22 9DX
93 Henslowe Road London SE22 0AS	72 Henslowe Road London SE22 0AS
87 Barry Road London SE22 0HR	74 Henslowe Road London SE22 0AS
Flat 1 89 Barry Road SE22 0HR	66 Henslowe Road London SE22 0AS
Flat 2 89 Barry Road SE22 0HR	70 Henslowe Road London SE22 0AS
Flat A 77 Henslowe Road SE22 0AS	79 Henslowe Road London SE22 0AS
Flat B 77 Henslowe Road SE22 0AS	81 Henslowe Road London SE22 0AS
84 Henslowe Road London SE22 0AS	75 Henslowe Road London SE22 0AS
85 Henslowe Road London SE22 0AS	76 Henslowe Road London SE22 0AS
82 Henslowe Road London SE22 0AS	97 Henslowe Road London SE22 0AS
83 Henslowe Road London SE22 0AS	95 Henslowe Road London SE22 0AS
89 Henslowe Road London SE22 0AS	101 Henslowe Road London SE22 0AS
86 Henslowe Road London SE22 0AS	99 Henslowe Road London SE22 0AS
87 Henslowe Road London SE22 0AS	3 Poppy Mews London SE22 0EE
First Floor Flat 91 Henslowe Road SE22 0AS	4 Poppy Mews London SE22 0EE
First Floor Flat 74 Henslowe Road SE22 0AS	1 Poppy Mews London SE22 0EE
68a Henslowe Road London SE22 0AS	2 Poppy Mews London SE22 0EE
68b Henslowe Road London SE22 0AS	58 Henslowe Road East Dulwich SE22 0AR
Ground Floor Flat 91 Henslowe Road SE22 0AS	68 Landcroft Road East Dulwich SE22 9LD
Flat 5 89 Barry Road SE22 0HR	19 Crawthorpe Grove East Dulwich SE22 9AA
95a Barry Road London SE22 0HR	76 Barry Road East Dulwich SE22 0HP
Flat 3 89 Barry Road SE22 0HR	85 Bexhill Road Crofton Park SE4 1ST
Flat 4 89 Barry Road SE22 0HR	4 Pickett'S Terrace East Dulwich SE22 9DX
97 Barry Road London SE22 0HR	99 Henslowe Road East Dulwich SE22 0AS
93 Barry Road London SE22 0HR	19 Henslowe Road East Dulwich SE22 0AP
95c Barry Road London SE22 0HR	67 Henslowe Road East Dulwich SE22 0AS
95b Barry Road London SE22 0HR	29 Henslowe Road East Dulwich SE22 0AP
297 Underhill Road London SE22 0AN	62 Henslowe Road East Dulwich SE22 0AR
299 Underhill Road London SE22 0AN	49 Henslowe Road East Dulwich SE22 0AR
8 Picketts Terrace Underhill Road SE22 9DX	45 Henslowe Road East Dulwich SE22 0AR
295 Underhill Road London SE22 0AN	27 Pellat Road East Dulwich SE22 9JA
103 Henslowe Road London SE22 0AS	159 Barry Road East Dulwich SE22 0AN
80 Henslowe Road London SE22 0AS	274 Barry Road East Dulwich SE22 0JT
2 Picketts Terrace Underhill Road SE22 9DX	291 Underhill Road East Dulwich SE22 0JP
3 Picketts Terrace Underhill Road SE22 9DX	91 Henslowe Road London SE22 0AS

1 Picketts Terrace Underhill Road SE22 9DX
6 Picketts Terrace Underhill Road SE22 9DX
7 Picketts Terrace Underhill Road SE22 9DX

82 Henslowe Road East Dulwich SE22 0AS
82 Henslowe Road East Dulwich SE22 0AS
74 Henslowe Road London SE22 0AS

Re-consultation: n/a

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

- 72 Henslowe Road London SE22 0AS
- 74 Henslowe Road London SE22 0AS
- 76 Henslowe Road London SE22 0AS
- 82 Henslowe Road East Dulwich SE22 0AS
- 82 Henslowe Road East Dulwich SE22 0AS
- 82 Henslowe Road London SE22 0AS
- 91 Henslowe Road London SE22 0AS