

## Appendix 1: Comments received following the publication of the 12 April agenda

Summary of objections	Response
Need for office space has not been tested	This matter is addressed in detail at paras 6.2.2 – 6.1.3 and 6.1.18 – 6.1.32
Position of the bin and cycle stores not shown	The position of the bin and cycle store is shown on drawing 4393/P/221L.
The construction plan is not included with the application. All demolition would need to go beneath an existing building, through a very small access	A revised Construction Management Plan (Revision 4 dated April 2016) has been submitted. This explains how access to the site will be managed and is discussed in more detail in paragraphs 6.5.12 - 6.5.14.
The report states that the pavement will be reinstated; however, there has never been a pavement in this location, only a cobbled road	This matter has been clarified at paras 6.5.5
Q20 and Q22 have not been included in the list of most relevant policies	These policies were omitted from the list at paragraph 5.2.5 in error but were referred to in the relevant section of the report. See revised para 5.1.5
Residents previously stated that they consider the existing buildings on site to make a positive contribution to the CA – this comment was omitted from the officer's report – objector states that para 4.3.3 is inaccurate	Agreed - comment was omitted however the Council's Conservation Design Officer considers that the building makes a neutral contribution to the conservation area. See para 6.2.22
Residents previously stated that the proposed landscaping is poor and that the 5 existing trees to be removed should be replaced like with like as required by policies Q9 and Q10. – this comment was omitted from the officer's report - objector points to 4.3.3	Agreed - the comments in relation to the quality of the landscaping and the like for like replacement of trees were omitted. However, the concerns about the loss of the Rowan trees within the site were reported. The council's tree officer has raised no objection to the removal of the trees. The indicative landscaping shown in drawing 4393/P/221L shows five replacement trees. These issues are discussed in more detail in para 6.10.4
Residents previously raised concern about the raised high blank walls facing the rear of properties on Walnut Tree Walk and Kennington Road and the resulting lack of compliance with policy Q15. This comment was omitted from the officer's report.	<p>The comment was omitted however the impact of the walls of the building adjoining the boundaries upon the amenity of neighbouring properties was discussed under the heading of 'outlook'.</p> <p>An assessment against Policy Q15 is included at paras 6.2.10 – 6.2.12. However, Policy Q15 is not considered to apply to situations where the building directly adjoins the site boundary and where the boundary wall is to be retained.</p>
Residents previously raised the issue of views into and out of the proposed development being harmed and contravene policies Q20 and Q22. – this comment was omitted from the officer's report – points to 4.3.3	It is acknowledged that reference to this was omitted. This has been addressed at paras 6.2.18 and 6.2.37

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<p>Residents have raised the issue of the scheme contradicting the draft Walcot Conservation Area appraisal (and indeed other conservation area appraisals which make similar points in the Kennington area) as well as the resulting contravention of policy Q22. As this opinion and the associated policy elements are inconvenient, the solution adopted is simply to omit the objections and not deal with the point raised.- points to 4.3.3</p>	<p>The comment was omitted however this issue is now addressed at para 6.2.24</p>
<p>A Member site visit was requested to include a visit to the garden of neighbouring properties.</p> <p>Also requested that Members inspect the wall that forms the boundary</p> <p>It is unclear from the report whether PAC members, officers or the applicants have viewed the site from the adjacent private properties. If Members are being asked to consider this application based upon the technical drawings alone, they do not demonstrate sufficiently the proximity between the buildings – especially at the point where those distances are significantly reduced.</p>	<p>A site visit has been arranged for 27 July 2016 and Members will view the site from adjacent properties in line with residents' requests.</p> <p>The case officer viewed the site from neighbouring properties in Walnut Tree Walk and Kennington Road during the initial assessment of the application.</p> <p>The distances between the proposed building and neighbouring properties are shown on drawing 4393/P/250D.</p>
<p>The report recognises that the application breaches Local Plan Policy ED2 on the loss of office space (6.1.1), but then dismisses this policy because there are existing prior approvals for the site under Permitted Development rules. Lambeth's local policy was clearly written to protect the decreasing amounts of office space within the Borough – whilst the Permitted Development rights were designed to permit the conversion of offices to residential without planning permission (as long as major changes were not made). The argument within the report suggests Lambeth no longer needs Policy ED2 as an applicant simply needs to secure the change under Permitted Development and then submit a second application for the full demolition of the offices knowing that LBL will accept that second application because of the existing prior approval.</p>	<p>Please see revised paras 6.18 -6.1.32 in relation to the fallback position provided by the prior approval schemes.</p>
<p>Waterloo is lacking in small/medium sized office spaces. The low level of small/medium offices spaces has lead demand to be so high that local</p>	<p>Noted, however given the above mentioned considerations in relation to the potential for the building to change from office to residential it is not considered that the refusal of the application on grounds</p>

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organisations are struggling to find local alternatives.	relating to a shortage of office space would be sustainable. As noted in paras 6.11.1 - 6.11.2 the proposal is considered to be a departure from policy ED2 but it is considered that this is justified in light of the fallback position afforded by the prior approval schemes.
The applicants purchased the site a number of years ago, it would have been possible for them to market the property as office space for the twelve month period to demonstrate that there is no demand in the area.	As above see paras 6.11.1 - 6.11.2 in relation to the fallback position provided by the prior approval schemes.
<p>The report fails to mention that a similar application was submitted for consideration in October 2014 and was refused in January 2015 in part because of "The proposed conversion of the building would result in the loss of floorspace last used for employment purposes and it has not been adequately demonstrated, through marketing evidence, that this floorspace is surplus or unsuitable for continued employment use." This was the first of nine reasons for refusal. The report would suggest that it is acceptable to LBL to ignore Local Plan Policy ED2 because of the prior approval for development on site – however, this prior approval also existed in January 2015 when LBL previously enforced this policy on this very site.</p>	<p>At the time of the previous application permitted development rights for a change of use from office to residential were available for a limited period only. These rights were amended by the 2016 amendments to the Town and Country Planning (General Permitted Development Order whereby the previous requirement for prior approval schemes to be implemented by 30 May 2016 was removed and these rights have now become permanent. In addition steps have been taken by the applicant towards the implementation of one of the prior approval schemes. These changes in circumstances are considered to give more weight to the extant prior approval applications as a fallback position.</p> <p>Furthermore a number of amendments have been made to the scheme which have improved the quality of accommodation and overall design when compared with the scheme that was refused.</p> <p>The proposed units are also considered to provide a better quality of accommodation than that provided by the prior approval schemes.</p> <p>Please see paras 6.1.34 – 6.1.36</p>
The site has had a history of applications that included a range in the number of properties and this application is at the smaller end of the scale. I am not aware at any point that the developer has sought to ensure that their application includes on site affordable housing. It is clear, however, that in their viability study the applicants had made provision for a payment of £100k in lieu of onsite provision. We must rely on	An assessment of the scheme's ability to provide affordable housing is included at paras 6.1.9 – 6.1.13

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<p>officers to judge whether the amount is fair given the application only just meets the threshold for providing affordable housing.</p>	
<p>Why have officers rejected the offer of payment in lieu of onsite provision? This unconditional payment was offered by the applicant, however the report suggests that LBL is prepared to accept that the viability study from BNP Paribas which states that despite the developer making between 17% and 20% profit from the scheme, they cannot afford to make the £100k. Whilst I appreciate that the review mechanism <u>could</u> see payment made should the numbers change post development, it seems odd that we would put the profitability of the scheme for the developer ahead of the provision of affordable housing. Officers should be taking the goodwill of the developer in proposing the £100k and accepting it whilst also insisting on a review mechanism that can check if the amount is sufficient following completion?</p>	<p>See response above in relation to the contribution.</p> <p>In relation to the review clause further analysis is now provided at para 6.1.13 and details of the review clause have been included in the recommended heads of terms for the S106 agreement.</p>
<p>Whilst the report argues that the height of the building is mitigated by the lowering of the eaves on the Walnut Tree Walk side of the property, the steep angle of the pitched roof (in order to accommodate a further property) is visually intrusive and at so close a proximity will create a canyon-like effect in the gardens of the Walnut Tree Walk properties.</p>	<p>It was noted at para 6.4.18 that there would be an increase in the overall height and bulk of the building in this part of the site however due to the low eaves and sloping roof the impact upon adjacent properties was considered to be acceptable.</p>
<p>There has also been an attempt to circumvent problems with party walls and LBL Local Plan requirements on boundary treatments (Q15). The report suggests that the boundary treatment will be unchanged because the existing wall will remain in situ. Whilst this may be technically correct, the development in this application will be a matter of only centimetres (at the most) from the existing boundary wall. It is difficult to therefore see how these walls should not be subject either to the boundary treatment rules (as they will form the boundary between the site and properties along Kennington Road and Walnut Tree Walk) or should be consider as being too tall given their proximity to the neighbouring properties.</p>	<p>Issues relating to party walls are covered by the Party Wall Act which is separate from planning legislation.</p> <p>As noted above policy Q15 is not considered to apply to the provision of walls of a building adjacent to the site boundary.</p> <p>An assessment of the impact of the height of the proposed buildings in relation to neighbouring properties is included at paras 6.4.17 and 6.4.20</p>

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<p>The report fails to mention that in the previously refused application on this site, officers argued that the application should be rejected "Due to the height and mass of the building in close proximity to the site boundaries the proposal would have an unacceptable overbearing impact upon neighbouring properties at 57, 58 and 59 Walnut Tree Walk and 22 Kennington Road which would be detrimental to the amenity of adjoining occupiers" and "Due to the placement of windows to habitable rooms in the close proximity to the site boundaries the proposal would result in an unacceptable loss of privacy to the gardens of properties at 60 Walnut Tree Walk and 22 Kennington Road which would be detrimental to the amenity of adjoining occupiers." This application is only marginally lower in height than that previous application and it seems unlikely that the difference between refusal and acceptance re the height of a property in close proximity is the small difference between these two applications.</p>	<p>These matters have been addressed at paras 6.4.22</p>
<p>Due to the rejection of the previous application, the wall along the boundary with Kennington Road properties is now a two-story high blank wall with no redeeming features, where currently the residents look out on to the pitched roof of the existing building, resulting in a negative contribution to the residential amenity of those properties.</p>	<p>The difference between the existing and proposed situation with regard to outlook from properties in Kennington Road is discussed at paragraphs 6.4.19 – 6.4.20</p>
<p>Many of the reports required for the application relate to the original proposals which included a different design/layout for the building. These reports should be updated to reflect the current version of the scheme.</p>	<p>Revised documents, as listed at the beginning of this report, have now been submitted and have been made available on the council's website. These documents have been subject to a further consultation period of 21 days.</p>
<p>The parking survey has used the wrong data.</p>	<p>The Parking Survey was revised prior to the application being reported to the 12 April Committee and was found to be acceptable. This is outlined at paragraph 6.5.7 of the report.</p>
<p>The application fails to provide clear information to prove that the bin and cycle store is "inconspicuous" as this is the only part of the site people will see from Walnut Tree Walk</p>	<p>An assessment of the design and appearance of the refuse and cycle stores is provided at para 6.2.13</p>

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<p>The following documents were not submitted and were required to make the application valid, as per LA's guidance: Landscape Strategy waste storage/management/collection</p>	<p>The Local Planning Applications Requirements list, sets out the information that the Council requires to be able to register, assess and determine planning applications. The information required will depend on the type of application which the application relates.</p> <p>The National Planning Practice Guidance (NPPG) issued by the Department of Communities and Local Government (DCLG) in March 2014, provides that a local list should be reviewed and revised or updated at least every two years. The Council last published a local list in April 2008. The existing list is therefore out of date and must be reviewed having regard to current statutory requirements, national planning policy guidance, the adopted local development plan and published supplementary planning guidance. This process is currently underway. However, given that the Council's current list is out of date, it would be difficult to insist that this information was submitted to make the application valid. Whilst the application is technically a major application, it is considered that the final details can be conditioned.</p>
<p>It is unacceptable to condition the landscaping as at this stage it is unclear as to whether the proposed landscaping meets policies Q2 Amenity, Q9 Landscaping or Q10 Trees. It is also unacceptable because there will be no public scrutiny of the landscaping once details have been submitted.</p>	<p>Indicative details of landscaping including the proposed location of new planting have been included on the submitted drawings. This level of detail is considered to be sufficient to enable the application to be determined.</p>
<p>In relation to the siting of the waste bins and the narrowing of the access, and the smells. Officers propose condition 9. Given this no-one knows whether the proposal will comply with Q2 Amenity, Q12 Refuse/recycling or Q22 Conservation Areas. Concern is raised at the lack of public scrutiny. The proposed siting of the bins conflicts with policy Q6 (iii) which requires improved legibility, permeability and convenient access via direct routes for all users (avoiding alleyways and back lanes). Concern is also raised in relation to security.</p>	<p>The acceptability of the siting of the bin stores in relation to the site access is discussed at revised para 6.2.13</p> <p>In relation to security additional details have now been provided and the Design out Crime Officer considers the proposals to be acceptable. See para 6.6.2</p>
<p>The objector points to the inadequacy of the Construction Management Plan, given the site restraints. The objector considers that</p>	<p>A revised Construction Management Plan has been submitted which addresses the constraints of the site and proposes</p>

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<p>the solution of adding a condition (5) seeking additional information is unacceptable, as currently no-one is aware whether London Plan Policy 7.14 Improving Air Quality and Policy T6 Assessing impacts of developments and transport capacity and T8 Servicing are to be complied with. It is unacceptable for the report to state 'reports considered to be satisfactory'. There will be no public scrutiny of the condition.</p>	<p>measures to control construction vehicle movements and address dust and emissions. This is discussed in more detail at paras 6.5.12 – 6.5.14</p>
<p>Secured by Design statement does not relate to the revised scheme. Para 6.5.14 notes the inadequacy of the report – concerns raised in relation to mugging opportunities due to the siting of the bins, ability to scale up to the enlarged balconies, additional concerns raised by residents have been ignored. The solution to add a condition (11) means that at this stage it is unclear whether the proposal meets Q3 Community Safety. The addition of a condition means that there will be no public scrutiny of this issue</p>	<p>A revised Secure by Design statement has been submitted. This has been reviewed by the Designing out Crime officer who considers this to be acceptable. This is addressed at para 6.6.2</p>
<p>Energy report still under review</p>	<p>A revised Energy Statement has been submitted. This has been reviewed by the Sustainability Consultant and is now considered satisfactory. This is discussed at revised para 6.9.2 and 6.9.3</p>
<p>Daylight Sunlight report not based on actual observations – no mention of basement. No assessment of the current scheme</p>	<p>A revised sunlight and daylight assessment has been submitted in respect of the current proposals. It has been confirmed that the basements of properties in Walnut Tree Walk and Kennington Road have been examined as part of this assessment. See paras 6.4.7</p>
<p>Design &amp; Access statement does not relate to the revised scheme Flood Risk Assessment does not relate to the revised scheme Sustainability report contains reference to old policies not Lambeth Local Plan therefore cannot state that it complies with current policies</p>	<p>As set out above amended reports have now been received.</p>
<p>Heritage Statement not updated in relation to balcony enlargements, screening and the view of the site being blocked by the bin and cycle stores</p>	<p>The Heritage Statement has been updated to refer to the revised scheme and includes reference to the proposed balconies and screens. Whilst the refuse / cycle stores are not referred to specifically in this document these have been assessed by officers and their siting is considered to be satisfactory in principle subject to conditions to secure further details of their design.</p>

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Arboricultural report not based on a site inspection. Report contains material inaccuracies about the trees in the gardens of 60 Walnut Tree Walk and 122 Kennington Road.	The methodology used in the tree survey has been explained and the Tree Officer has agreed this approach. See para 6.10.3
Considers that due to amendments, the scheme should have been given a new planning application number.	As a result of public consultation and other responses, the officer advised the applicant of the concerns raised. The applicant made amendments in an attempt to overcome these concerns. Whilst the current proposal differs from that originally submitted, it is noted that paragraph 187 of the NPPF states that "local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development <b>where possible</b> . Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area'.
The application was submitted when the Council's previous policies were in force. Given this, the application should have been revalidated to ensure it met the normal processes.	There is no requirement under the legislation for the application to be revalidated in these circumstances. However, the local planning authority is obliged to consider the proposals against the policies in force at the time of determination (in this case the Lambeth Local Plan 2015).
Q2 Amenity – the siting of the bins and cycle store have not been sufficiently considered, nor has the narrowing of the entrance. In particular, the objector refers to Q2 (Vii) service equipment.	Policy Q2(vii) refers specifically to lift plant, air handling/extract, boiler flues, meter boxes, gas pipes, and fire escapes and does not refer bin stores/cycle stores. Policies Q12 and Q13 relate to refuse storage and cycle storage respectively. An assessment of the design and appearance of these stores is included at para 6.2.13. The Transport Officer has confirmed that sufficient space will be provided for pedestrian access – see para 6.5.9
Q5 Local Distinctiveness – the objector states that the fenestration is out of keeping with the wider Walcot and China Walk Conservation Area and contrary to Q2 (v) and jar with the window details of the surrounding buildings	The Conservation Officer considers that contemporary design can be successful in heritage situations. Officers do not consider that the building needs to replicate the windows of surrounding buildings given that the design takes a contemporary approach. See para 6.2.7
No analysis of Q6 (ii) – objector considers the development unattractive, cluttered and uncoordinated.	Officers consider the simple design approach using brick and pitched roof forms to be an appropriate design response to the site context.
Q6 (iii) objector considers the development is add odds with this part of the policy, as	As set out above the access to the development is considered to be

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the cycle stores and waste bins on an already narrow entrance way creates a modern alleyway/back lane where mugging crime is likely to thrive.	acceptable in terms of width and security. These matters are addressed at paras 6.5.9 and 6.6.2
Q6 (v) This proposal creates tall and overbearing buildings which narrow the existing open space on the site.	The massing of the building is considered to be appropriate in relation to its surroundings. It is accepted that some parts of the scheme would include taller elements. Parts of the site would also be more open than at present with the introduction of a space between buildings at the northern end of the site and a reduced building footprint in the south eastern corner of the site. See para 6.2.6
Q6 (viii) modestly sized infrastructure cabinets in unobtrusive locations and places them below ground in conservation areas and adjacent to heritage assets. The waste bin and cycle store cabinets are in an obtrusive location, taking up a material portion of the entrance route and narrowing it to an alley.	This clause in the policy is relates to infrastructure placed in the street such as telecommunication equipment rather than bin stores within private developments.
Q6 (ix) At 6.2.6 the officers' report admits this is not met but simply proposes the scheme proceeds - "The detailing is considered appropriate for a building which adopts a modern style and does not seek to replicate the style of surrounding historic buildings."	As set out above it is not considered necessary for a contemporary building to replicate the design features of its surroundings.
Q6 (x) pedestrian and cycle-priority environments which are not dominated by vehicles moving or parked. The entrance way to this scheme under the flying freehold of 53 Walnut Tree Walk is to have its dropped kerb and yellow line restriction removed and substituted with an additional parking space. This will ensure all cycle movements are likely to commence (illegally) on the pavements of Walnut Tree Walk.	Cyclists will need to negotiate the entrance gates and so are likely to wheel their bicycles out of the site onto the road rather than ride directly out of the site onto the street.
Q8 Design Quality - referenced in condition 10, 17, 25, 26 but not listed in 5.1.5	This policy is now included at para 5.1.5
Q8 (a) list of materials do not relate to those in Walcot and China Walk Conservation Areas. Drawings show design unrelated to the local environment.	The use of brick and slate are considered appropriate in this setting. The images of buildings in the Design and Access Statement are examples of where similar materials have been used.
Q8(b) objector states that value engineering means cheap materials and states that the materials are the cheapest on the market	Further details of the materials to be used will be sought by a condition to ensure that they are of appropriate quality.
Q12 Refuse/recycling storage - objector states that there is no analysis in the body of the report	Additional analysis has been provided at para 6.2.13

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<p>Q15 Boundary treatments – policy is included in 5.1.5 and condition 8 but there is no analysis in the report. Objector states that the proposal does not comply with Q15 (b) as the boundary will be 8.4m and Q15 (c) as the boundary has no architectural merit where it bounds 122 Kennington Road.</p>	<p>Analysis in relation to Policy Q15 is now included at paras 6.2.10 – 6.2.12</p>
<p>g. Q20 (ii) Statutory listed buildings - objector states that it does not matter what angle the proposed scheme can be viewed from, it harms the current quiet setting which the present buildings produce. When viewed from China Walk, Walnut Tree Walk and Kennington Road, it clearly would harm the setting of the rear of rare Georgian terraces. The preservation of such rear views is a particular concern of the draft Walcot Conservation Area appraisal yet this proposal would entail the destruction of one such highly prized heritage asset.</p>	<p>The impact upon the setting of the listed buildings is discussed at paras 6.2.27 – 6.2.30</p>
<p>h. Q22 Conservation areas – the objector states that when viewed from 90% of possible angles, the current buildings make a positive contribution to the character and appearance of the China Walk and Walcot Conservation Areas. Compare this to the 100% of views that will be spoilt by the proposed jumble of buildings in this application.</p>	<p>The Conservation and Design Officer considers the existing buildings to make a neutral contribution to the character of the conservation area. See para 6.2.22</p>
<p>i. T8 Servicing (a) the objector states With no temporary parking provision immediately outside the proposed scheme, blockages to Walnut Tree Walk immediately opposite Walnut Tree Walk School are inevitable and they will create danger for both parents and children accessing the school.</p>	<p>Policy T8 relates more specifically to non-residential and mixed use development. However, the applicant has provided details of how deliveries to the proposed residential units will be managed. Servicing arrangements will be similar as those of other residential properties in Walnut Tree Walk. See para 6.5.13</p>
<p>T8 (b) the objector states that as the site is to be car free and gated; servicing will have to take place off-site and in direct contravention of this policy.</p>	<p>As above see para 6.5.15.</p>
<p>Given the above omissions in relation to Local Plan policies it would be unsafe and open to challenge, should committee make a decision. Objector recommends that Committee undertake an external audit of the documentation, comments received and officer's reporting on this scheme and, on the basis of that report, to determine appropriate internal action.</p>	<p>The omissions that have been identified have now been addressed within this report.</p>

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Para 6.11.8 states that the contribution towards children's play facilities had not been published on the website	This has been confirmed as £990.00 and this has been inserted at para 8.1
Aitch/Mura failed to consult on the revisions	There is no requirement for the applicant to consult residents on the revisions. The Council has carried out consultation when revised plans have been received
Executive summary fails to mention that although amendments have been made, the report omits to mention that residents are still objecting to the scheme	The objections to the proposals have been summarised in para 4.3.3. Officers have addressed these within the report.
Para 1.1 Misleading. Omits to state that the northern edge of the scheme and the enlarged balconies look directly at the flats on the China Walk Estate.	This paragraph contains a description of the site as existing and does not describe the proposed development.
Para 1.4 Misleading. Omits to state that the buildings abutting the site on Walnut Tree Walk and Kennington Road are mid-Georgian and some of the oldest in Lambeth. Most were built soon after the opening of Westminster Bridge in 1750. They are prized heritage assets.	This paragraph acknowledges that the site adjoins listed buildings in Walnut Tree Walk and Kennington Road. The objector's additional observations on these buildings are noted.
Para 2.2 Misleading and disingenuous. Fails to distinguish the four faces of the site – north, north-west, south and south-east. The northern face of the site with its enlarged balconies directly looks into the flats of China Walk Estate. The south-east edge contains an 8.4 metre boundary treatment which exceeds the permitted height by 6.4 metres.	<p>This paragraph gives a brief overview of the scheme. The impact of the balconies upon neighbouring properties is discussed at paragraph 6.4.5 which now includes specific reference to the impact upon flats within the China Walk Estate.</p> <p>The boundary treatment to the south east edge of the site is discussed below.</p>
Para 2.3 Inaccurate. The published description of an earlier application (15/00116 FUL) was changed to "3 storeys" at the insistence of officers. It was essentially the same height as this scheme. For this application, officers clearly lost their nerve and did not insist on the necessary description change despite being pressed to do so by residents and Cllr Ben Kind. Even the developer in his wildest dreams did not dare to describe this proposal as anything less than 2.5 storeys (and there has never been any suggestion that the proposed accommodation will not be fit for adults on all three floors). All of the reports accompanying this application from the applicant's professional advisers describe the proposal as "3 storey". Clearly, the professionals know what they are talking about and the applicant is engaged in "planning application hype". Why the officers should suddenly decide the	<p>Whether the proposal is described as two or three storeys depends upon how 'storey' is defined. The report refers to 'two full storeys with a further floor of accommodation in the roof'. For the purposes of this description the 'full storeys' are the floors within the building which are contained by vertical walls rather than a roof. Notwithstanding this the report (in the proposal section at the beginning of the report and at para 2.3) makes it clear that within the buildings there is accommodation at ground and first floor level, and at second floor level, where accommodation within the roof is provided.</p> <p>Drawings included in this report and in the committee presentation will provided Members with visual information in relation to the number of storeys.</p>

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<p>accommodation is only 2 storey when going to Planning Applications Committee only they will know (the applications database description is 2.5 storeys) but it cannot be interpreted as a rational or warranted description. The pitching of the roofs is unusually steep to accommodate the third level of accommodation. They are not normal shaped roofs but a simple cover for something which, to all intents and purposes, has most of the characteristics of a flat roof to a 3 storey block.</p>	
<p>Para 2.5 Inaccurate. "the existing access off Walnut Tree Walk would be amended to provide pedestrian and cycle access only." When it was pointed out that such an amendment would require listed building consent, the applicant submitted new drawings and indicated the existing car-accommodating double gate would be retained. The Planning Applications Committee is being misled</p>	<p>The access off Walnut Tree Walk will be closed to vehicular traffic, by removing the dropped kerb, notwithstanding the retention of the double gates.</p>
<p>Para 3.1 Inaccurate. "15/04489/FUL pending consideration". Officers have indicated that they were going to determine this application in the negative in January. Only the officers can explain why they have not acted as they confirmed in writing to residents.</p>	<p>The statement in this paragraph is correct. The application is still pending. Officers will determine this application, following the determination of the application on this agenda.</p>
<p>Para 3.6 Inaccurate. "05/03548/FUL...Permitted 24.11.2015". This minor amendment to the existing buildings was approved in 2005.</p>	<p>This is an error. The date of the decision should read 18.01.2006.</p>
<p>Para 4.2 Misleading. "Transport ...conditions in relation...to Delivery and Service Plan". The conditions attached to the scheme do not contain the requirement of the Transport team.</p>	<p>The Transport Officer's comments recommended a condition in relation to a Delivery and Servicing Management Plan however this is not normally required for a residential development, as has been confirmed in later comments from the Transport team, and the condition was not included in the recommendation. However, it is acknowledged that this was not fully explained in the previous report.</p> <p>Notwithstanding this the applicant has now submitted information in relation to the servicing of the proposed residential units and this is considered to be satisfactory. This is discussed at para 6.5.15</p>
<p>Para 4.3.3 Inaccurate "Existing boundary treatments are to remain". In the worst instance, the boundary abutting 122</p>	<p>The existing boundary walls are to be retained although it is noted that the walls of the proposed buildings will be constructed in close proximity to the site</p>

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Kennington Road is to be raised to 8.4 metres, well above its current height.	boundaries. The wall of the building adjoining the boundary with 122 Kennington Road is shown on the submitted drawings as being approximately 6.01m to the eaves compared with the rear wall of the existing building which has a height of approximately 5.8m. See para 6.4.20.No wall adjoining any part of the site will be raised to 8.4m
Para 4.3.3 Inaccurate. "Windows will be timber" – does not form any part of the applicant's submission. Para 3.1 of the revised Planning Statement dated January 2016 states: "The building is to be finished in brickwork construction with slate roof tiles and fenestrated with grey powder coated metal windows."	It was confirmed in an e-mail from the agent dated 29 March 2016 that the windows would be timber. This e-mail is now included in the list of submitted documents and has been published on the council's website. Reference to the use of timber windows has been added to condition 17 in relation to construction details.
Para 4.3.3 Disingenuous. No response to objection regarding "balconies and other amenity spaces do not provide good quality private space." The easiest way to deal with an inconvenient objection is to ignore it.	The proposed communal amenity space meets the size requirements set out in Policy H5 and is considered to be of an acceptable quality, as stated in paragraph 6.3.5. The proposed balconies are also of a sufficient size and acceptable levels of outlook. Noting that it is often not possible to provide private gardens for all units in flatted schemes this is considered to be an acceptable form of private outdoor amenity space as referred to in policy H5.
Para 4.3.3 Inaccurate. Objection – "Loss of privacy to gardens." Not addressed in section 6.4 as specified here. The issue is just ignored despite the requirements of Policy Q1 Inclusive Environments.	The impact on the privacy of gardens is covered at para 6.4.6. Policy Q1 does not include any criteria in relation to the privacy of gardens. The issue of privacy is dealt with by Policy Q2 and this is noted at para 6.4.13
Para 4.3.3 Inaccurate. Objection – "Use of access will detract from amenity of gardens adjacent to the property." Not addressed in section 6.4 as specified here. The issue is just ignored despite the requirements of Policy Q1 Inclusive Environments.	The issue of noise and disturbance arising from the proposed residential use is discussed at para 6.4.24 where it is noted that the cessation vehicular access to the site would remove an existing source of noise. It is not considered that the proposed access arrangements would result in a significant reduction in amenity to users of adjacent gardens when compared with the existing situation. As set out above the issue of noise is covered by policy Q2 rather than Q1.
Para 4.3.3 Inaccurate. Objection – "Loading of refuse vehicles on street." Not addressed in section 6.5 as specified here. The issue is just ignored despite the requirements of Policy T8 Servicing.	This is addressed at para 6.5.13

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<p>Para 6.1.2 Inaccurate. Purports to cross refer to sections 6.4 and 6.5 where “the specific material circumstances at this site” are to be explained, thus supposedly justifying the judgement that no marketing evidence for commercial is required. But there is no such link in 6.4 and 6.5. The recommendation to forego marketing evidence is not justified at all. The report contains a circular nonsense. The requirement to market for commercial should be re-instated.</p>	<p>As above see paras 6.1.18 – 6.1.32 in relation to the fallback position provided by the prior approval schemes.</p>
<p>Para 6.1.3 Disingenuous. The applicant has known for over a year that the council wanted evidence of marketing for commercial use – it was one of the reasons for rejecting 15/00116/FUL. Instead of sticking with an unchallenged position, the officers are now recommending capitulation. The applicant has done nothing to address this requirement in the intervening year – they only have themselves to blame for the situation. The officers’ capitulation on this point is inexplicable in rational terms.</p>	<p>As above see revised 6.1.18 – 6.1.32 in relation to the fallback position provided by the prior approval schemes.</p>
<p>Para 6.1.4 Misleading. No mention of the stance previously adopted by the officers on the need for marketing as commercial on 15/00116/FUL which was never challenged. The stance of the applicant has not changed, nor has the applicant’s wording. All that has changed is the officers’ recommendation to capitulate.</p>	<p>At the time of the previous application permitted development rights for a change of use to residential were available for a limited time only. These rights have now been made permanent which adds weight to the fallback position.</p> <p>The current scheme provides a better quality of design and standard of accommodation than the previous scheme.</p>
<p>Para 6.1.7 Disingenuous. No mention of para 5.21 in the Lambeth Local Plan (adopted September 2015) which states “In all cases proposals will be expected to demonstrate that the provision of family-sized units has been maximised”. 1 flat out of 10 as family accommodation is not the required maximisation. The scheme, as proposed, is tantamount to collusion with a developer to provide buy-to-let accommodation.</p>	<p>With regard to the issues of dwelling mix further analysis is now provided at para 6.1.7</p> <p>In relation to buy-to-let there are no policies in the Local Plan which preclude the provision of units for the buy-to-let market.</p>
<p>Para 6.1.10 Disingenuous. “It should be noted that the viability assessment included provision for an off-site affordable housing contribution of £100,000.” What this report does not tell committee members is that this £100,000 was an unconditional offer made by the developer to address the question of</p>	<p>The reasons why officers are not recommending that the off-site contribution is accepted are set out at paras 6.1.11 and 6.1.12. As set out above officers are recommending a review clause to enable a contribution to be sought in the event that a</p>

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social housing contribution. Committee members have not been given the chance to consider the implications of this extraordinary fact and to consider whether the officers' recommended post-facto re-assessment might lead to a better outcome.	surplus is generated by a future improvement in sales values.
Para 6.2.4 Inaccurate. "The proposed development would comprise two buildings of predominantly two storeys in height". Even the developer described them as "two and a half storeys". The developer's professional advisors (without exception) describe the proposal as 3 storeys. Why have the officers mischaracterised the height of this proposal?	The point in relation to the description of the height of the buildings is discussed above. Whilst paragraph 6.2.4 refers to the buildings having a height of two storeys it also refers to the presence of accommodation within the roofspace in parts of the buildings.
Para 6.2.5 Disingenuous. Manages to avoid discussion of the south eastern boundary abutting the garden of 122 Kennington Road – which has a boundary height of 8.4 metres.	Para 6.4.20 in relation to outlook discusses heights of the buildings at the boundary. No wall adjoining any part of the site will be raised to 8.4m
Paras 6.2.1 and 6.2.6 Disingenuous. 6.2.1 quotes policy Q5 Local Distinctiveness and all of its facets. 6.2.6 then contradicts all of the requirements of policy Q5 without any comment apart from "The detailing is considered appropriate for a building which adopts a modern style and does not seek to replicate the style of surrounding historic buildings". But policy Q5 says that just such a building should not be permitted.	This is addressed at para 6.2.7.
Para 6.2.8 Inaccurate. A repetition of the assertion "the existing access to the site would be retained but would provide pedestrian and cycle access only". The revised Planning Statement dated January 2016 states in para 3.2 - "Access to the development will reuse the existing carriage arch in the Walnut Tree Walk frontage that previously served the former office development." In other words – no change proposed because of the problem with Listed Building Consent.	The existing access will be closed to vehicular traffic. See para 6.5.5
Para 6.2.10 Disingenuous. Quotes policy Q22 "development proposals affecting conservation areas will be permitted where they preserve or enhance the character or appearance of conservation areas by respecting and reinforcing the established, positive characteristics of the area in terms of the building line, siting, design, height, forms, materials joinery, window detailing and protecting the setting (including views in and out of the area)." And then proceeds	An assessment of the effect on the conservation areas is provided at paras 6.2.21- 6.2.26

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to recommend a scheme which does none of these things.	
<p>Para 6.2.11 Disingenuous. Residents have explained clearly how the existing buildings make a positive contribution to the Walcot and China Walk conservation areas and there is no mention of these views/objections anywhere in this report. The draft Walcot Conservation Area appraisal does not list 52 Walnut Tree Walk as a building which makes a “neutral” contribution and is ripe for redevelopment. Rather the draft area appraisal lauds the back views of Georgian properties in the area and emphasises their unique heritage value.</p>	<p>In circumstances when buildings are not identified in a character appraisal the Conservation and Design team will make an individual assessment. They did so in this case and concluded the existing buildings make ‘neutral’ contribution to the character and appearance of the conservation area.</p> <p>Officers agree with this statement but do not think that the views will be adversely affected by the scheme.</p>
<p>Para 6.2.11 Disingenuous. Omits any consideration of the impact of the enlarged balconies and the high walls enabling inaccurate conclusions to be drawn.</p>	<p>This paragraph in the original report related to the scale and massing of the overall scheme however further detail has been added acknowledging the enlarged balconies and the height of the buildings in close proximity to the site boundaries. See para 6.2.23</p>
<p>Para 6.4.1 Inaccurate. Partial quote of policy Q2 omitting problematic detail.</p>	<p>This policy was paraphrased to include a general summary of the requirements in relation to amenity. This paragraph has been deleted and specific clauses of policy Q2 have been quoted where they are directly relevant to the issue discussed.</p>
<p>Para 6.4.2 Inaccurate. Misquote of policy Q2 changing its sense.</p>	<p>Revised para 6.4.2 quotes the relevant clause of policy Q2 in relation to daylight and sunlight</p>
<p>Para 6.4.3 Inaccurate. Fails to identify that daylight/sunlight measurements have not been taken for most of the basements of properties on Kennington Road and Walnut Tree Walk.</p>	<p>A revised sunlight and daylight assessment has been submitted which clarifies that the relevant basement windows have been assessed.</p>
<p>Para 6.4.4 Inaccurate. Does not address daylight/sunlight readings for residential unit at the foot of the garden of 116 Kennington Road which is immediately adjacent to the site boundary.</p>	<p>This structure is an ancillary outbuilding and the impact upon this structure is addressed at para 6.4.11</p>
<p>There are no measurements of daylight/sunlight loss in gardens as is required in a conservation area.</p>	<p>An assessment in relation to the over shadowing of gardens is included at paras 6.4.8 and 6.4.9</p>
<p>Para 6.4.6 Misleading. Fails to mention the enlarged northern balconies overlooking the China Walk Estate and back gardens on Kennington Road. Another case of ignoring a difficult issue and pretending it doesn't exist.</p>	<p>The enlarged balconies to Units 6 and 9 in the revised scheme would be located approximately 20m away from the nearest residential block in the China Walk Estate at the closest point. Paragraph 6.4.6 notes that there would be some views into adjacent gardens but these would only</p>

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	affect the rear parts of the gardens and as such the impact upon privacy is considered to be acceptable.
Para 6.4.8 Misleading. Makes light of the steep pitching on the first floor roof which, within about a metre from the boundary, creates a boundary of 8 metres high. Fails to mention the 8 metre figure (but mentions everything else).	The pitched roof of this part of the building rises from approximately 2.8m at the eaves to approximately 6.01m at the point where it joins the flat roof. The flat roof would start approximately 2.7m from the site boundary.
Para 6.4.9 Misleading. Fails to mention the boundary treatment facing 122 Kennington Road with a wall rising to 8.4 metres and then a steep pitched third storey which, within about one metre of the boundary, rises to 12.2 metres. Fails to mention either the 8.4 metre and 12.2 metre figures (but mentions everything else which seems to minimise the problem).	The building adjacent to the boundary with 122 Kennington Road would have an eaves height of approximately 6.01m and a ridge height of approximately 9.8m as measured from the submitted drawings. See para 6.4.20
Paras 6.4.8 and 6.4.9 Inaccurate. Fails to mention policy Q15 Boundary Treatments which specifies that rear garden treatments should not exceed 2 metres.	The new external walls of the building would be constructed adjacent to the existing boundary walls. Notwithstanding this it is not considered that policy Q15 was intended to preclude situations where the wall of a building also forms the boundary to the site.
Para 6.4.10 Misleading. Draws a conclusion having carefully ignored salient facts (actual heights of boundary treatments and the relevant policy Q15 Boundary Treatments).	As above
Para 6.4.11 Misleading. Residents have expressed concerns about the noise from the site which, under these proposals, would extend hours of use from 9am to 6pm to 7am to 12 midnight. Point ignored and not addressed.	It is acknowledged that residential occupiers would be on site for a longer period than those working within the current buildings, however, residential use should not give rise to unacceptable level of noise.
Para 6.5.3 Inaccurate. There is no proposal to amend access to pedestrian and cycle access only.	The access to the site would be closed to vehicular traffic. As noted above it is likely that cyclists would pass through the entrance gate on foot due to the need to open and close the gate.
Para 6.5.5 Disingenuous. Fails to deal with the issue of how waste bins can get from the development onto the road when their path is blocked by the anticipated parked car and the drop-kerb is removed.	Refuse bins will be collected in the same way as other residential refuse bins are collected from Walnut Tree Walk, or any other street which does not have a dropped kerb.
Para 6.5.9 Inaccurate. Repeats the inaccurate statement that the access is pedestrian only.	This paragraph has been amended. As stated above vehicular access to the site would cease.
Para 6.5.11 Disingenuous. Mentions getting bins out of the gate but not how they would get onto the road. Also fails to mention the narrowing of the alleyway approaching the	These issues have been addressed at para 6.5.11

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property caused by the placement of the bins and the cycle store.	
6.5.16 Inaccurate. There are two balconies overlooking the China Walk Estate on the northern boundary, not one. The conclusion about not prejudicing future development because there is “only one” balcony is thus unsound.	The balcony referred to in paragraph 6.5.16 is the one serving proposed Unit 5 which would directly overlook the adjacent playground. The balconies to proposed Units 6 and 9 each have one edge that would adjoin the triangular piece of land occupied by an electricity substation which lies between the application site and the communal areas of the adjacent estate.
6.10.2 Disingenuous. The five “small” rowan trees actually qualify for protection as they have substantial trunks. They are protected within the Walcot Conservation area and the committee is not being asked to approve their destruction in appropriate terms.	The Tree Officer has confirmed that the stems of these trees are just over the minimum size that would qualify for protection within a conservation area. Notwithstanding this the trees are considered to be of limited amenity value. See para 6.10.3
6.10.3 Disingenuous. Five trees can be destroyed because they have “limited visibility from the public realm”. The entire existing building complex which, from 90% of viewpoints makes a positive contribution to the Walcot Conservation area, is to be demolished because its fascia (easily amended to blend in) is considered “neutral” even when this too has limited visibility from the public realm. Officers’ arguments on this point are self-defeating.	Officers remain of the view that the trees have limited visibility from the public realm. As stated above officers remain of the view that the existing buildings make a neutral contribution to the character of the conservation area.
6.10.4 Inaccurate. The windows of units 4 and 8 face the tree in the garden of 60 Walnut Tree Walk. The windows in units 6 and 9 face the tree in the garden of 114 Kennington Road. The windows of units 1 and 5 face the trees in the gardens of 53-56 Walnut Tree Walk. The conclusion of the Tree Officer is thus invalid that “no conflict could arise”.	It is acknowledged that some windows in the proposed development would face towards trees in adjacent gardens however it is considered that the degree of separation is sufficient. See paragraph 6.10.5
6.10.5 Disingenuous. The Tree Officer cannot have any conclusions on the trees in the gardens of 60 Walnut Tree Walk and 122 Kennington Road because the Arboricultural report states they have not been examined. Their location is approximately represented as best.	The methodology used in the tree survey has been explained and the Tree Officer has agreed this approach. Furthermore the proposed buildings would not encroach beyond the footprint of the existing buildings and at the south eastern corner of the site the built area would be reduced. As such it is not anticipated that the construction would have any significant impact upon trees within the adjacent gardens. See para 6.10.3
6.10.6 Disingenuous. The conclusion is recorded that the area is an “Area of Deficiency of Access to Nature” and yet the destruction of 5 mature trees is	The proposals, including the removal of these trees, have been assessed by the Council’s Ecologist and have been found to be acceptable. See paras 6.10.4 and 6.10.7

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recommended. There is no logic to these arguments.	
7.1 Inaccurate. Draws the conclusion that policy ED2 should be overridden without providing any “material considerations” to support the case.	This paragraph has been amended to reflect the material considerations that have been taken into account in making the recommendation.