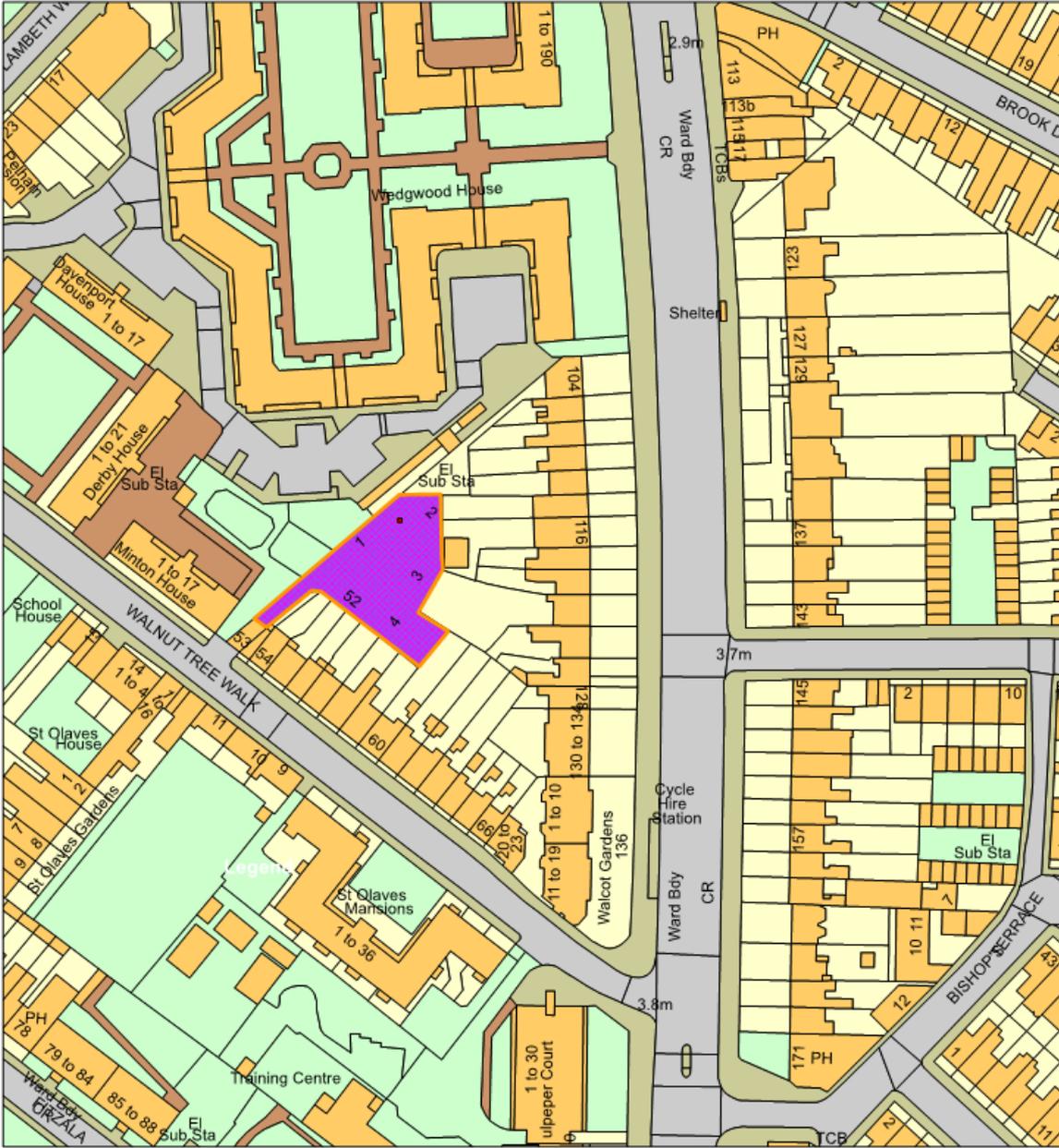


LAMBETH PLANNING APPLICATIONS COMMITTEE



Case Number:	15/04488/ful
Application Address:	52 Walnut Tree Walk



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ADDRESS:	52 Walnut Tree Walk, London SE1 6DN	
Application Number:15/04488/FUL	Case Officer: Jillian Holford	
Ward: Bishops	Date Received: 19 August 2015	
Proposal: Demolition of office building and redevelopment to provide two, 2.5 storey buildings (comprising ground floor, first floor and second floor within the roof space) to provide 10 flats (3 x one bed, 6 x two bed and 1 x three bed).		
Drawing numbers: Please see section 3		
RECOMMENDATION: Grant planning permission subject to conditions and a S106 agreement		
Applicant: Mr Nick Lawrence Walnut Tree Walk LLP The Old Post Office 176-179 Shoreditch High Street Shoreditch London United Kingdom E1 6HU	Agent: Mr Robert Pomery Pomery Planning Consultants Ltd Abbeygate One 8 Whitewell Road 8 Whitewell Road Colchester Essex United Kingdom CO2 7DF	

DESIGNATIONS

Relevant site designations:	
Conservation Area	Walcot Conservation Area
	Adjoins the Lambeth Walk and China Walk Conservation Area
Listed Buildings	Adjoins Grade II listed buildings: 53, 54 and 55, 56 - 63, 64 - 65 and 66 Walnut Tree Walk and 104-112, 114-116, 118-120, 122 and 124 and 126 and 128 Kennington Road.
Flood Zone	3a

LAND USE DETAILS

Site area	0.077ha
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	Use Class	Use Description	Floorspace (Gross Internal Area)
Existing	B1	Office	533
Proposed	C3	Residential	752

RESIDENTIAL DETAILS

	Residential Type	No. of bedrooms per unit				
		1	2	3	4	5+
Existing	Private flats					
	Private houses					
	Social rented flats					
Proposed	Private houses	3	6	1		
	Affordable rented flats					

PARKING DETAILS

	Car Parking Spaces (general)	Car Parking Spaces (Disabled)	Bicycle Spaces	Motorbike Spaces
Existing	5	0	0	0
Proposed	0	0	20	0

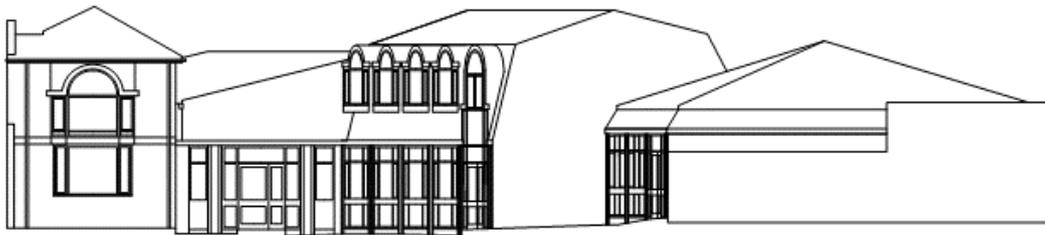
1 MEMBERS' SITE VISIT

1.1 A Members' site visit took place on 29 July 2016.

1.2 An objection had been received from a resident which stated that the existing boundary wall to the rear of 59 and 60 Walnut Tree Walk was 3.9m in height whereas the submitted drawings showed it to be lower (approximately 2.2m for its entire length). At the site visit it was confirmed that the height of the existing boundary wall adjoining the rear gardens of properties in Walnut Tree Walk had been incorrectly represented on the plans and was in fact higher than shown on the drawings. The affected drawings were 4393/P213, 4393/P/230G, 4393/P/231G.

2 ACCURACY OF DRAWINGS

2.1 Following the deferral of the application amended plans have been submitted which seek to address the inaccuracy in the previous versions. Revised existing and proposed plans have been submitted which show the correction to the high of the boundary wall adjacent to the part of the development in the south east corner of the site. (See figures 1 and 2 below).



1. SIDE ELEVATION - SOUTH WEST

Figure 1. Revised existing south west elevation showing height of wall amended



Figure 2. Revised south west and north east elevations as proposed

2.3 Survey drawings have been submitted which show the land levels within the site and the heights of the existing buildings. It has been confirmed that some parts of the site were inaccessible at the time of the original survey. Additional drawings have been submitted to demonstrate how the site was surveyed. Drawing 4393/P/260 shows the extent of the site that was surveyed and drawing 4393/P/260 provides annotated elevations showing how the heights were estimated in the parts of the site not covered by the survey.

2.4 Officers have sought to verify the accuracy of the plans and have taken measurements from within the application site. Measurements have been taken from the accessible parts of the site, namely the front parts of the buildings and the part of the boundary wall adjoining properties in Walnut Tree Walk. Having contacted the owners of neighbouring properties in Walnut Tree Walk and Kennington Road officers have not been able to gain access to the adjacent gardens to take measurements. The measurements taken from within the site are broadly consistent with those shown on the revised drawings and where there are differences these are considered to be within an acceptable level of tolerance (approx. 200mm). Based upon the information available officers are of the view that the revised plans are sufficient for the purpose of determining the application.

2.5 In deferring the application Members of the Planning Applications Committee requested that officers ensure the accuracy of the land levels depicted in the revised drawings. A topographical survey, based on satellite data, has been submitted which shows

spot heights within the site. Officers have no reason to dispute the accuracy of the land levels within the site as depicted by this survey information. Without access to neighbouring land it has not been possible to verify the heights of the land levels adjacent to the site. However, given that officers are satisfied with the accuracy of the heights of the existing building as shown on the revised drawings, these can be used as a baseline when assessing the height of the proposed development relative to its surroundings.

2.6 In view of the above analysis officers consider that there is no reason why the application cannot be determined on the basis of the revised plans.

2.7 In order provide assurance regarding the height of the development relative to surrounding properties and to ensure that there is no uncertainty at the construction stage a further condition is recommended requiring the submission of details of the proposed land levels within the site and details of the finished floor levels of the buildings.

3 REPORT UPDATES

3.1 The table below sets out a number of updates and corrections to the report to the meeting on 2 August, incorporating the revised drawing references. Please refer to **Appendix A** for the full text of this report.

4. CONSULTATIONS

4.1 A further consultation was carried out following the receipt of revised drawings. Letters were sent to adjoining occupiers and other interested parties who had previously made representations on the application on 6 September 2016. Site notices were also displayed on 6 September 2016. The letters and site notices allowed 21 days for the receipt of responses and the stated closing date was 27 September 2016. The application was advertised in the local press on 16 September 2016 for a period of 21 days. The final date for the receipt of representations is 7 October 2016.

4.2 No representations have been received to date in response to this consultation. Should any further representations be received these will be reported to the Planning Applications Committee in an addendum to this report.

5. RESPONSE TO COMMENTS RECEIVED SINCE THE PUBLICATION OF THE PREVIOUS REPORT

5.1 A critical analysis of the committee report for the committee on 2 August was received just prior to that meeting. Below is a summary of the main points raised together with officer responses where it is considered that a response is required. It is noted that a number of other matters are raised however officers consider that these have been adequately addressed in the original report.

Ref.	Comment	Officer Response
Exec. Summary 1.	Prior to the Planning Applications Committee on 12 April 2016, the Committee received a critical analysis of the officers' report on 52 Walnut Tree Walk which the Committee was due to discuss on 12 April. The officers' own analysis of this critical analysis (see pages 57-75 of the 2 August Report) shows that 105	Officers reviewed the original report in the light of this critical analysis and the report was updated prior to its publication on the agenda for the meeting on 2 August.

Page No(s).	Report Changes / Additional Information	Decision Notice changes
P7	<p>The drawing numbers now read as follows:</p> <p>Site Location Plan 4393/P/001;</p> <p>Existing Ground Floor Plan 4393/P210C;</p> <p>Existing First Floor Plan 4393/P211C;</p> <p>Existing Roof Plan 4393/P212A;</p> <p>Existing Elevations 4393/P213A;</p> <p>Proposed Ground Floor Plan 4393/P221L;</p> <p>Proposed First Floor Plan 4393/P222H;</p> <p>Proposed Second Floor Plan 4393/P223H;</p> <p>Proposed Roof Plan 4393/P224F;</p> <p>Proposed Elevations 1 4393/P230J;</p> <p>Proposed Elevations 2 4393/P231J;</p> <p>Proposed Elevations 3 4393/P232H;</p> <p>Proposed Section 4393/P240D;</p> <p>Proposed Site Sections 1 4393/P/241B;</p> <p>Proposed Site Sections 2 4393/P/242B;</p> <p>Overlooking Distance Diagram 4393/P250D;</p> <p>PV Panel and Green Roof Study 4393/P/255A;</p> <p>Fire Access Study 4393/P/256;</p> <p>Proposed Wall Study 4393/P/257;</p> <p>Elevations Comparison 1 4393/P/262;</p> <p>Elevations Comparison 2 4393/P/263;</p> <p>Survey Drawings L 6029/2 Sheets 1 – 3;</p> <p>Surveyed Information Drawing 4393/P/260;</p> <p>Existing Elevations Annotation 4393/P/261</p> <p>Material and Detail Precedents 4393/P400C;</p> <p>4393/P264 Roof Drainage Strategy;</p> <p>4393/P265 Wall Study 2 South East Corner</p>	Y
	<p>issues were raised. Of these 83 resulted in material changes to the 12 April Report which are now reflected in the 2 August Report. The</p>	

	<p>Documents:</p> <p>The following revised document supersedes the previous version:</p> <p>The Design and Access Statement Revised 15.08.2016</p> <p>The following documents are to be added:</p> <p>Additional e-mail from agent dated 18.07.2016 re the last use of the building;</p> <p>Additional letters from GVA Schatunowski Brooks in relation to Sunlight and Daylight dated 19.08.2016 and 02.08.2016.</p> <p>Revised internal sunlight and daylight results dated 02.08.2016</p>	Y
P16	<p>Para 4.2.11 – correction to text:</p> <p>Unless these Rowan trees can <u>unequivocally</u> be show to provide suitable bat roosting habitat...</p>	-
P22	<p>Para 6.1.11 – add text to end of paragraph</p> <p>The vacant building credit has not been applied in this instance. The viability assessment has shown that the scheme would not generate a surplus and therefore there is no affordable housing liability from which the credit could be deducted.</p>	-
	<p>Para 6.1.8 – correction to text</p> <p>The date of the prior approval reference 13/05154/P3/3JPA should read 23.12.2013 not 23.02.2013.</p>	-
P25	<p>Paras 6.1.34 and 6.1.36 – corrections to text</p> <p>6.1.34 As can be seen from the relevant history section (3) of this report; planning permission was refused for the change of use of the property to residential on 30.1.2015, following a Prior Approval decision relating to the use of the property as <u>6 flats on 19.12.2013</u> 8 flats on 22.10.2015 (para 3.2). There were nine reasons for refusal, including...</p> <p>6.1.36 At the time of determination of this application, the terms of Class O <u>the relevant permitted development rights</u> were still subject to the 'long stop' date requiring the change of use to have begun by 31 May 2016...</p>	-
P31	<p>Para 6.2.30 – text should read:</p> <p>...If a scenario arises where a listed wall will be affected by demolition or alteration then listed building consent will be required.</p>	-
P35	<p>Para 6.4.9 – following text to be added for clarification:</p> <p>It is noted that the BRE guide recommends that at least half of the amenity area to be assessed should receive at least two hours of sunlight on March 21st. It is considered that the proposals would be in accordance with this recommendation as the gardens would receive sunlight throughout most of the day.</p>	-
	issues dealt with comprised deficient applicant reports, policy references	

P37	<p>Para 6.4.22 – correction to text:</p> <p>...The previous proposals comprised two storeys storeys plus a further floor of accommodation within a mansard roof”</p>	
P39	<p>Para 6.5.7 – add text to brackets:</p> <p>The revised survey shows a parking stress level of 84% rather than 80%.</p> <p>The Transport officer remains of the view that the impact of the proposal upon local parking conditions is acceptable.</p>	-
	<p>Para 6.6.4 – correction to text:</p> <p>... With regard to future development of the estate there are no windows to habitable rooms situated on the site boundary and it is not considered that the siting of one balcony adjacent to the playground and a further balcony <u>two balconies</u> adjacent to the site of the electricity sub-station to the north of the site would not significantly prejudice any future development.</p>	-
P43	<p>Para6.10.4 – further clarification</p> <p>Notwithstanding the Tree officer’s comment regarding the girth of the trees it is acknowledged that the trees do benefit from the protection afforded by their location within the conservation area. However, the trees are not considered to be of significant amenity value as they make a limited contribution to the public realm. Furthermore, due to their age the trees are not considered to be of historic value and, as confirmed in the Ecologist’s comments, are not considered to be of significant ecological or habitat value.</p>	-
P44	<p>Para 6.10.5 – further clarification</p> <p>Whilst there are trees in neighbouring gardens which adjoin the proposed development it is considered that there is a sufficient degree of separation between the trees and the relevant windows in the development to avoid future pressure for removal of the trees.</p>	-
P33	<p>Text to be added after para 6.3.3</p> <p>Following the receipt of the amended drawings which clarify the height of the existing boundary wall at the south eastern corner of the site it is noted that the private garden space Unit 4 on the ground floor would be enclosed by a wall which is higher than that shown on the previously submitted plans and that this has implications for levels of sunlight and daylight within the unit. The applicant has submitted revised sunlight and daylight calculations for this unit based upon the revised drawings. This indicates that the levels of sunlight and daylight for the living/ kitchen / dining room (two windows) and bedroom to the rear of the unit (one window) would be lower than shown in the previous assessment. With regard to daylight, the living / kitchen /dining room now achieve an ADF level of 3.7% (previously 4.71%) however this still exceeds the minimum recommended level of 2.0%. The bedroom would now achieve an ADF level of 3.13% (previously 3.91%) noting that the recommended minimum for a bedroom is 1.0%. The revised No Sky Line for the living / kitchen / dining room, in relation to daylight distribution, would now be 71.87% (previously 96.84%) and that for the bedroom would now be</p>	

	<p>88.1% (previously 96.50%) , the recommended level being 80%. It is noted from this that distribution of daylight within the living / kitchen / dining room falls below the recommended level but that within the bedroom continues to exceed the recommended level. This means that parts of the living / kitchen / dining room are likely to appear less well lit. Due to the layout and depth of the room the kitchen area furthest from the window is the area most likely to be affected. However, noting the ADF level and the daylight levels to all other rooms in this unit, it is considered that Unit 4 would still provide a satisfactory standard of amenity for future occupants.</p> <p>With regard to sunlight the total APSH for the living room would be 38% of with one window in receipt of 5% in winter (previously 9% and 10%). This still meets the BRE recommendations. The bedroom would now achieve an annual total of 24% of APSH with 0% during the winter months (previously 43% of which 4% in winter). It is noted that these values fall below the recommended levels of 25% throughout the year with 5% in winter however sunlight levels are generally considered to be less important in bedrooms than other habitable rooms (see para 3.1.2 of the BRE guide). Overall the levels of sunlight throughout the development are considered to be acceptable having regard to the layout and orientation of the site.</p>	
P34	<p>Para 6.4.4 – clarification</p> <p>The Daylight Distribution assessment refers to the results of the No Sky Line assessment.</p>	
P34	<p>Para 6.4.6 – correction</p> <p>Updated information has been received relating to rear windows in Kennington Road. The windows in the rear of nos. 116-124 Kennington Road are oriented almost directly due west. In relation to the ground floor window of no, 122 the proposed development would result in a difference in Annual Probable Sunlight Hours (APSH) of 2% when compared with the existing situation. The existing value is 8% whereas the proposed value is 6%. It is noted that this property has a relatively low existing value which can be accounted for by the due west orientation of the property and the existence of a rear extension adjacent to the window. The 2% less is less than the criteria set by the BRE to establish an adverse effect on a property. <u>The proposed development would result in a difference of 2% of APSH between the existing and proposed scenarios but due to the baseline value this small difference would technically represent a 25% reduction. However, the BRE guidance (Para 3.2.11) states that sunlight will be adversely affected if the centre of the window:</u></p> <ul style="list-style-type: none"> • <u>receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March</u> <u>and</u> • <u>receives less than 0.8 times its former sunlight hours during either period</u> <u>and</u> • <u>has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.</u> 	

	<p><u>As the loss of sunlight received over the whole year is 2% of APSH the proposed scenario does not fail on all three of the above points and is therefore in accordance with the guidelines.</u></p> <p>Given this it is considered that the effect to the existing amenity is considered to be satisfactory.</p>	
P46	<p>Conditions and Reasons</p> <p>The following condition is to be amended:</p> <p>18</p> <p>Notwithstanding the approved plans, no development or demolition shall commence until detailed drawings showing the interface between the proposed development and the existing boundary walls, together a method statement in respect of the demolition of the building on the site and the protection of the boundary walls and any necessary works of making good to the boundary walls, have been submitted to and approved in writing by the local planning authority.</p> <p>The works shall be implemented in accordance with the approved method statement and shall thereafter be retained permanently on site.</p> <p>To ensure a satisfactory appearance to the boundaries of the site and to ensure that the development preserves the character and appearance of the Walcot Conservation Area, the setting of the Lambeth Walk and China Walk Conservation Area and the setting of the listed buildings in Walnut Tree Walk and Kennington Road. (Policies Q15 and Q22 of the Lambeth Local Plan (2015))</p> <p>The following conditions are to be added:</p> <p>35 No demolition or development shall commence until details of the existing and proposed land levels have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be undertaken in accordance with the approved details. The submitted details will demonstrate the following:</p> <p>a) The proposed land levels within the site</p> <p>b) The finished floor level of the buildings hereby permitted</p> <p>Reason: Development must not commence before this condition is discharged to safeguard amenity and in the interests of proper planning, preventing unacceptable siting and massing of the development relative to the adjacent land (policies Q2, and Q7 of the Lambeth Local Plan (2015)).</p> <p>36 Prior to the commencement of development, excluding demolition, hereby permitted, detailed drawings including sections at 1:1, 1:5 and 1:20 scale (as appropriate) shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter built in accordance with the approved details. Details of the following elements are required:</p>	

	<ul style="list-style-type: none"> • Mailboxes; • Measures to provide secure access (intercoms / access key pads) • Electricity meters and other utility related apparatus <p>Reason: To ensure that the external appearance of the development is satisfactory and to preserve the character and appearance of the Walcot Conservation Area and the special interest of the listed building at 53 Walnut Tree Walk. (Policies Q7, Q8 and Q22 of the Lambeth Local Plan (2015))</p>	
	unaccountably omitted, policies not dealt with, unresolved matters, resident concerns ignored, proven inaccuracies, plus numerous misleading and disingenuous statements.	
Exec. Summary 2.	A further critical analysis has been carried out on the 52 Walnut Tree Walk officers' report going to the 2 August Planning Applications Committee (see attached for detail). This shows that the current report contains 20 unacknowledged specific departure from policies in the Lambeth Local Plan, 32 inaccuracies, 14 misleading statements, 6 specious conclusions and 32 instances of disingenuity – a total of 107 deficiencies.	Officers consider that all of the relevant issues have been addressed and the information contained in the report together with this supplementary report is sufficient to enable the application to be determined.
Exec. Summary 3.	Planning Application Committee members are invited to contemplate whether they should proceed on 2 August 2016 the basis of an officers' report which has been found to contain so many (i.e.107) deficiencies, when those deficiencies have been identified by a process of critical analysis which was, by the officers' own analysis, found to be right in 79% (83 of 105) of the instances cited in the critical analysis of the 12 April report.	See response to 2 above
Exec. Summary 4.	An officers' report containing so many deficiencies is clearly not fit for purpose and any decision to approve this proposed scheme based upon such a report would be both unsafe and an improper act open to immediate legal challenge, referral to the Local Authority Ombudsman and reporting to the disciplinary committee of the Royal Town Planning Institute.	See response to 2 above
Exec. Summary 5.	The 2 August report is headlined that it acknowledges the proposed scheme departs from one policy in the Lambeth Local Plan – that is ED2 and its requirement to market a commercial property for a 12 month period. The officers' report fails to consider the damage this precedent would set for Lambeth's desire to protect places of employment elsewhere in the borough. Once such a dangerous precedent is set, there will	<p>The application has been assessed in relation to the specific circumstances pertaining to the site. The conclusion at section 7 of the report states:</p> <p>“having regard to the above assessment it is considered on balance that a departure from the development plan in respect of</p>

	<p>be no turning back and all commercial sites in Lambeth will be stripped of the protection which policy ED2 is intended to provide.</p> <p>Astonishingly, the views of Lambeth Working have not been sought on this issue.</p> <p>Arguments in favour of the exception omit to mention countervailing negative impacts on surrounding properties (see commentary on Exec Summary page 8) and argue that weight should be given to conversion work already undertaken when none of it complies with existing permissions (see commentary on 6.1.22 and 6.1.23).</p>	<p>Policy ED2 is justified <i>on this occasion</i>, having regard to the fallback position provided by the prior approval schemes and the quality of the development provided by the current proposals when compared with the prior approval schemes”.</p> <p>Future schemes on other sites would need to be assessed on their own merits having regard to the particular circumstances of the case. It is therefore not considered that the approval of this scheme would set a precedent for future developments.</p> <p>Lambeth Working are not routinely consulted on the loss of employment floorspace. Their main role in relation to planning applications is to advise on the employment benefits that can be secured at the construction stage.</p> <p>Officers’ assessment of the impacts upon surrounding properties concludes that the impacts of the development are acceptable. Overall the quality of development provided by the proposed scheme is considered to improve upon that provided by the prior approval schemes. It is not considered that there are any negative impacts of the development that would undermine the balancing exercise in respect of the comparison between the current proposal and the fallback position provided by the prior approval schemes.</p> <p>In relation to the weight to be given to the conversion work undertaken officers consider that only minimal works are required to ensure compliance with the 2013 prior approval for 6 units and that it is feasible to undertake these works within the statutory timescale.</p>
Exec. Summary 6.	In actual fact, the August 2 report contains not one but 21 departures from the Lambeth Local Plan 20 of which are neither	Officers consider that there is only one departure from the development plan, namely the

	<p>acknowledged nor properly explained by the officers. The reason for this is easily explained – on page 88 officers acknowledge that “there is no requirement for internal consultees to make reference to planning policies”. The whole process of considering planning application within Lambeth Planning is deficient. The principle departures are:</p> <p>a. Q2 Amenity</p> <p>i. Failure to ensure “visual amenity from adjoining sites...is not unacceptably compromised.”</p> <p>ii. Failure to ensure “Acceptable standards of privacy are provided without a diminution of the design quality.”</p> <p>iii. Failure to ensure “it would not have an unacceptable impact on levels of daylight and sunlight on...the adjoining property.”</p> <p>b. Q5 Local Distinctiveness</p> <p>i. Failure to respond to “quality of architectural detailing” e.g. Georgian symmetry and glazing bars.</p> <p>c. Q6 Urban Design</p> <p>i. Failure to “avoid alleyways and back lanes.” The entrance is to be narrowed to 1.5 metres with bins on one side and a wall on the other. This is an alleyway.</p> <p>d. Q7 Urban Design – New Development</p> <p>i. Failure to provide “a high quality design...which preserves or enhances local character.” (see commentary on Exec summary page 8)</p> <p>ii. Failure to provide “well-considered windows and doors.” (see commentary on Exec summary page 8)</p> <p>iii. Failure to provide servicing which is “visually attractive” – it blights the views from Walnut Tree Walk itself and then three adjacent back gardens.</p> <p>e. Q8 Design Quality</p> <p>i. Failure to mention the view of the borough’s Design Champion about this scheme.</p> <p>f. Q12 Refuse/recycling storage</p> <p>i. Failure to ensure that bins are “located well away from residential accommodation to avoid harm to amenity and outlook.” The bins are sited close by the rear of properties on Walnut Tree Walk.</p>	<p>departure from Policy ED2 which is justified by other material considerations.</p> <p>With regard to the other policies cited there is clearly a difference of opinion between officers and the writer of the critical analysis as to whether the scheme complies with these policies. Officers have assessed the scheme and have reached the conclusion that the scheme is policy compliant except in relation to Policy ED2.</p> <p>Further analysis in relation to the specific policies cited is set out in the section below.</p>
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	<p>g. Q14 Development in gardens and on backland sites</p> <p>i. Failure of these replacement buildings being “sited to maintain or improve upon existing neighbour relationships”. Neighbours are adversely affected in multiple ways (see commentary on Exec Summary page 8).</p> <p>ii. Failure to ensure “any increases in height will not have an adverse impact.” A near 3 metre rise in height is dismissed by officers.</p> <p>iii. Failure to ensure that “existing accesses are maintained”. Narrowing to a 1.5 metre wide alleyway is proposed.</p> <p>iv. Failure to ensure “access arrangements will cause no nuisance.” But waste bins and cycle stores are immediately adjacent to 3 neighbouring properties and gardens.</p> <p>h. Q15 Boundary treatments</p> <p>i. See commentary on 6.2.12 . Officers state that “it is not considered that the requirements of Policy Q15 in relation to the height and design of replacement boundary treatments are applicable to situations where the walls of a building form the boundary treatment or are located close to the boundary site.” Should this argument hold sway, the outcome will be simple. A precedent will be set which will apply throughout Lambeth whereby those seeking to raise a boundary wall can simply build something to their own height specification as long as it does not touch the existing boundary treatment. Planning officers will lose control of all back garden boundary treatments throughout the borough.</p> <p>i. Q20 Statutory listed buildings</p> <p>i. Failure to “conserve and not harm the significance/special interest” of the surrounding listed buildings by placing in their midst a scheme admitted to be “contemporary.”</p> <p>ii. Creating “harm to the significance/setting (including views to and from)” the obvious problem being the increase in height of nearly 3 metres over the existing buildings.</p> <p>j. Q22 Conservation areas</p> <p>i. Failure to “preserve or enhance the character and appearance of the</p>	
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	<p>conservation area". Scheme is admitted to be "a contemporary building."</p> <p>Furthermore it does not share architectural language with its surroundings, is of poor design (see comments on Exec summary page 8) and has uncharacteristic balconies which jut aggressively into its surroundings. It also has photo voltaic cells which officers admit "would be seen on a contemporary building". But this is a conservation area and, unsurprisingly, shiny, reflective panels are not a part of the architectural language of any other building surrounding this site.</p> <p>ii. Failure to "respect and reinforce the established positive characteristics of the area." Scheme does not respect Georgian and neo-Georgian symmetries nor use glazing bars. Its architectural language is foreign.</p> <p>iii. Failure to "protect the setting (including views into and out of the site)". The foreign architectural language, the jutting balconies and the additional 3 metres of height are the problems here.</p>	
<p>Exec. Summary 7.</p>	<p>The Committee has not been informed that the proposed scheme would require multiple listed building consents to permit a change to the access to pedestrian only, positioning of the fire riser, alterations to the cobbled entrance and the installation of mail boxes.</p>	<p>The submitted drawings do not indicate any proposals to the existing vehicle access that would necessitate an application for listed building consent. The works to stop up the dropped kerb and resurface the pavement would be undertaken within the limits of the public highway.</p> <p>Specific details of the location of the fire riser, mailboxes and alterations to provide controlled entry would be required by condition. Should it become apparent that the installation of such items would affect the special interest of the listed building a separate application for listed building consent would be required.</p>
<p>Exec. Summary 8.</p>	<p>The Committee has not had its attention drawn to the misgivings of the Environment Agency about this scheme, the need for a flood warning and evacuation plan (condition 21) and advisory 6 "an alternative scheme incorporating duplex units should also be considered." All of this arises because of concerns about the 9 bedrooms which might be subject to flooding on the ground floor.</p>	<p>Para 6.7.2 refers specifically to the advice provided by the Environment Agency in relation to the placement of sleeping accommodation at ground floor level. As set out at para 6.7.5, following the submission of further information and discussions with the Environment Agency it was concluded that the flood risk was</p>

		acceptable providing it could be managed through flood resistant / resilient construction and flood warning and evacuation procedures. Despite the advisory notes about flood risk, as set out at para 4.1.1, the Environment Agency raised no objections subject to conditions.
Exec. Summary 9.	The Committee has not been informed that the issue of mugging risk created by the hide spaces between the proposed bins and cycle stores has not been dealt with even though it was raised by the Metropolitan Police.	The Metropolitan Police raised some concerns about security when consulted on the original proposals. However, additional information has been provided by the applicant the Designing Out Crime Officer has confirmed that the revised statement covers the required standards for Secured by Design.
Exec. Summary 10.	Officers are aware that the views of the London Fire and Emergency Planning Authority were based on false and incomplete information. Their clearance of the scheme is this invalid (see comments on 4.2.13).	The submitted information in relation to fire access arrangements demonstrates how these could work at the site using a case study of another site and a plan indicating possible locations for dry risers which are clearly indicated as such on the drawing. It is not considered that advice has been given or an assessment made on the basis of false information. The recommendation contains a condition (No. 20) to seek details specific details of the provision of a fire hydrant at the site.
Exec. Summary 11.	The Committee has not been informed of the scale of the impairment to the Council's own assets resulting from the positioning of three balconies at or on the boundary with the China Walk Estate (effect acknowledged by officers in 6.6.4).	Officers have nothing to add to the assessment at para 6.6.4
Exec. Summary 12.	The appropriate action for the Committee to take would be to commission a full 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. In the short term, it is clear that the scheme in its current form does not meet the requirements of the Council on numerous grounds (the officers have failed to report these) and it should be rejected.	See response to 3 above

Exec. Summary 13.	In the light of the contents of this critical analysis report, it is impossible to judge whether the proposed conditions to be attached to this scheme, if approved, are appropriate and/or complete. This is yet another reason why the Planning Applications Committee cannot and should not agree with the officers' recommendations.	The reasons for the recommended conditions are set out in the recommendation and in the body of the report.
P8	Reference to para 2.4 - green roofs will be severely compromised by doubling up as sites for the extensive arrays of photo voltaic cells	A revised plan has been submitted which shows how the PV panels will be integrated with the areas of green roof. This is considered to be an acceptable arrangement.
P8-9	Concerns that internal consultees have not confirmed whether the proposals comply with development plan policies.	It is reiterated that there is no requirement for internal consultees (or indeed external consultees or other parties commenting on planning applications) to make reference to planning policies. Consultees provide advice based on their specialist areas of expertise and it is for the planning officer, using this advice, to decide whether proposals comply with development plan policies.
P10	Concerns about the feasibility of retaining existing boundary treatments.	As stated at para 6.2.30 of the report a condition is recommended requiring the submission and approval of drawings showing the interface between the proposed development and the retained boundary wall together with details of any works of making good. This condition has now been amended to make reference to a method statement in respect of the demolition of the existing building and the protection of the boundary walls. If a scenario arises where a listed wall will need to be demolished or altered a separate application for listed building consent will be required.
P11	Concern that in para 6.1.12 officers do not mention the unconditional nature of the offer of £100K as a social housing contribution.	Notwithstanding the unconditional nature of the offer officers assessed the scheme's ability to provide affordable housing by reference to the viability appraisal and concluded that the scheme could not support any affordable housing contribution. On this basis it is not considered such a contribution could be justified in planning policy terms. In view of

		this officers consider that the contribution would not comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 which states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms.
P14	Reference to para 6.2.24 alleging that the delay in finalising the draft conservation area appraisal in order to reduce the grounds for rejecting this scheme.	Officers confirm that this is not the case.

4.1. FURTHER ANALYSIS IN RELATION TO POLICY COMPLIANCE

4.1.1 In response to the comments in relation to the assessment of the proposal against the relevant policies of the development plan the following further analysis is provided.

Policy Q2 Amenity

4.1.2 Policy Q2 (i) requires that visual amenity from adjoining sites and from the public realm is not unacceptably compromised. Having assessed proposals officers have concluded that the design and appearance of the proposed development, including its scale, massing and detailing, is acceptable as set out within section 6.2 of the report. As stated at para 6.4.26 of the report it is not considered that visual amenity from adjoining sites or the public realm would be unacceptably compromised.

4.1.3 Policy Q2 (ii) requires that acceptable standards of privacy are provided without a diminution of the design quality.

4.1.4 A detailed assessment of the impact of the proposed development upon the privacy of neighbouring occupiers is provided at paragraphs 6.4.12 – 6.4.15 of the report. This assesses the impact upon both windows and gardens of neighbouring properties and concludes that satisfactory levels of privacy would be maintained. It is acknowledged that this is a tightly constrained site however it is considered that the design response, through the careful placement of windows and balconies, is successful in protecting the privacy of neighbouring occupiers without compromising the quality of accommodation for future occupants or the overall quality of the scheme. It is therefore considered that the requirements of Policy Q2 (ii) have been met.

4.1.5 Policy Q2 (iv) requires that development does not have an unacceptable impact upon levels of daylight and sunlight on the host building and adjoining property. A full assessment of the daylight and sunlight impact upon neighbouring properties is included at paragraphs 6.4.2 – 6.4.11 of the report. This concludes that there would be no unacceptable impact upon daylight and sunlight levels to neighbouring properties. However, a number of concerns have been raised about the accuracy of the assessment and the way it is reported which will be addressed below.

4.1.6 With regard to the impact upon Minton House and Wedgewood House there is no requirement to carry out detailed daylight and sunlight testing as these properties pass the initial 25 degree obstruction test.

4.1.7 The statement regarding VSC levels in para 6.4.4 is not inaccurate. The figures quoted by the writer of the critical analysis have been taken from the column in the results table which relates to ADF values not VSC. In all cases the windows tested would retain daylight levels of at least 0.8 times their former value.

4.1.8 It has been clarified in the table above that the Daylight Distribution assessment at para 6.4.4 refers to the results of the No Sky Line testing which shows no unacceptable changes to the properties tested. A correction has also been made in the table above with regard to the sunlight results for 122 Kennington Road.

Policy Q5 Local Distinctiveness

4.1.9 Policy Q5 requires that the design of development is a response to positive aspects of the local context and historic character in terms of, amongst other things, quality and architectural detailing (including fenestration and articulation). The proposal relates to a backland site and the development will be primarily constructed of stock brick; the prevailing material in the locality. This policy does not prescribe that a building should be a pastiche of the surrounding character. It is not considered appropriate to insist on Georgian style symmetry and glazing bars in a development which adopts a contemporary design approach. Furthermore the government's national planning policy framework (2012) states that local planning authorities should not dictate the architectural style of a development. It is considered that the proposal provides an appropriate response to its context and therefore accords with Policy Q5.

Policy Q6 Urban Design

4.1.10 Policy Q6 (iii) states that the council supports development that provides improved legibility, permeability and convenient access via direct routes for all users (but avoiding alleyways and back lanes). The proposed development would reuse an existing access directly from the street. Whilst the width of the access would be reduced by the provision of refuse and cycle storage facilities it is not considered that this would significantly compromise the quality of the access. Views into the site along the access would be maintained through the entrance gate and the access would benefit from natural surveillance from adjacent properties, both existing and proposed. The proposed access is considered to be acceptable to serve the development, in terms of its physical width (as confirmed by the Transport Officer) and safety (subject to Secure by Design requirements which can be secured by condition). It is not considered that the proposal would create the type of unattractive, unsafe or unwelcoming entrance that the policy seeks to resist.

Policy Q7 Urban Design – New Development

4.1.11 Policy Q7 (i) requires that development is of a quality design which is visually interesting, well detailed, well proportioned with adequate detailing/architectural interest (which can include accent colour, decoration and ornamentation). The proposed buildings would adopt a simple design approach and would make use of stock brickwork and slate roofs. The roof forms are considered to be sympathetic to the context provided by surrounding developments. The detailing of the building in terms of window, doors and balconies is understated and contemporary.

4.1.12 Policy Q7 (iv) requires that development includes well-considered windows and doors/ entrances in street and other public frontages so that all entrances are attractive and legible. It states that designers should ensure that features such as canopies, letter boxes, doorbells and intercoms, external lighting etc. are integrated effectively into the design. The proposal would make use of the existing entrance into the site from the street which includes the existing undercroft. The proposed windows and doors within the site are considered to be of an acceptable design and detailed drawings of these would be secured by conditions. It is noted that specific details of mailboxes, doorbells, intercoms etc. have not been provided at this stage however a further condition is recommended to secure details of these in order to ensure that their appearance is satisfactory.

4.1.13 Policy Q7 (vii) requires that any vehicular access, parking (particularly in undercrofts or basements) or servicing is designed so as to be well-related to the adjacent area, not prejudice active frontages, minimise impact on amenity and be visually attractive. The proposed refuse and cycling stores would be set back from the site entrance and would be screened by planting to the front of the stores. It is considered that views of the stores through the entrance gates would be limited and would not have a significant impact upon the street scene. Whilst the refuse and recycling stores would be visible from the first floor windows of the closest houses in Walnut Tree Walk due to the presence of boundary walls the stores would not be visible from the adjacent rear gardens. Notwithstanding the visibility of the storage facilities from adjacent properties it is considered that the stores have been designed to be visually attractive by the inclusion of planters between the stores and at each end of the block. Further details of the design of these facilities including details of materials to be used would be secured by condition.

4.1.14 In view of the above considerations officers consider that the proposals meet the requirements of Policy Q7.

Policy Q8 Design Quality

4.1.15 The supporting text to Policy Q8 (para 10.18) states that the council will maintain a design champion to raise the profile of good design within the council and across Lambeth. However, Policy Q8 does not include a requirement to consult the borough's Design Champion and it is not considered necessary to do so in respect of a scheme of this scale. Officers consider the detailed design of the proposal including the proposed palette of materials to be acceptable. Further details including samples of materials and large scale drawings showing construction detailing would be secured by condition.

Policy Q12 Refuse/recycling storage

4.1.16 Policy Q12 (b)(i) states that in new build schemes refuse storage areas should be fully integrated into the building and placed close to the main entrance for easier use; or be separate – located well away from residential accommodation to avoid harm to amenity and outlook. The proposed refuse store would comprise a separate structure rather than part of a new building. It would be located approximately 6.5m away from the rear wall of the property at 53 Walnut Tree Walk which is considered to be a sufficient degree of separation, comparable with that found in other residential developments. In siting refuse stores it is necessary to have regard to the maximum carry distances for users of the bins (within 30m of the entrance to the nearest dwelling) and for collection purposes (25 metres from the back edge of the pavement). If the refuse stores were located further into the site beyond the access the location would not meet these requirements. The impact of the proposed refuse storage facilities upon the visual amenity of neighbouring properties is discussed above and this is considered to be acceptable. Overall the siting of the refuse storage facilities is

considered to be acceptable. It is considered that the proposed refuse storage arrangements meet the requirements of Policy Q14 (b)(i).

Policy Q14 Development in gardens and on backland sites

4.1.17 Policy Q14 (e) (i) requires that replacement buildings on backland sites are sited to maintain or improve upon existing neighbour relationships. It is noted that the proposed development would have a different footprint and increased level of site coverage in parts when compared with the existing building on the site (for example the block adjacent to the north west boundary would be closer to the rear of properties in Walnut Tree Walk) and that parts of the proposed development would be taller than the existing building (in particular the part adjoining properties in Kennington Road). However, the development would be sited further away from the site boundary in the south eastern corner of the site and the proposed arrangement now allows space between the two blocks with the demolition of the building at the northern end of the site. Whilst the relationship between the proposed development and neighbouring properties would be different from that of the existing building it is considered that acceptable relationships would be achieved in terms of separation between windows, impacts upon sunlight and daylight and the avoidance of overbearing impacts. It is therefore considered that the proposals are acceptable in this regard and that the requirements of Policy Q14 (e) (i) have been met.

4.1.18 Policy Q14 (e) (ii) requires that any increases in height (in relation to existing development on the site) will not have any adverse impact. It is acknowledged that the proposed development would result in increases in roof height in parts of the site of up to 3metres when compared with the existing buildings on the site. However, in view of the distances between the existing dwellings and the proposed buildings the increase height is not considered to have an unacceptable impact upon amenity. The sunlight and daylight assessment demonstrates that the proposals would not have an unacceptable impact in terms of loss of light. Officers have assessed the relative impacts upon outlook and sense of enclosure and do not consider that there would be an adverse impact. For these reasons it is considered that the proposal complies with the requirements of Policy Q14 (e) (ii).

4.1.19 Policy Q14 (vi) requires that existing accesses are maintained and adequately provide pedestrian access, vehicle turning and access for fire appliances. The proposal would maintain the existing access from the street but would provide access for pedestrians only. The Transport officer has assessed the proposed pedestrian access and considers it to be of an acceptable design. As vehicles would no longer be able to access the site there is no requirement to provide vehicle turning in this instance. Whilst direct access for fire appliances would not be provided the Fire Brigade has confirmed that satisfactory arrangements can be provided in the form of an on-site hydrant. Subject to a condition to secure details of how the fire hydrant would be provided at the site it is considered that the proposal meets the requirements of Policy Q14 (vi).

4.1.20 Policy Q14 (v) requires that access arrangements will cause no nuisance. The removal of vehicular traffic from the site is considered to reduce the potential for nuisance to neighbouring occupiers. The impacts of the refuse and cycle stores are discussed above and it is not considered that these would cause nuisance to neighbouring occupiers. It is therefore considered that the proposal meets the requirements of Policy Q14 (v).

Policy Q15 Boundary treatments

4.1.21 Policy Q15 (iv) requires boundaries between rear gardens and yards not to exceed 2 metres in height. The application includes no proposals to increase the height of the existing boundary walls around the site, however it is noted that the height of the built form adjacent

to the site boundary will increase in some instances. It is considered appropriate to assess the increase in the height of the buildings against the requirements of Policy Q14 which relates to backland development rather than those of Policy Q15 which relates specifically to proposals for new or replacement boundary walls.

Policy Q20 Statutory listed buildings

4.1.22 Policy Q20 states that development affecting listed buildings will be supported where it would (i) conserve and not harm the significance / special interest; (ii) not harm the significance / setting (including views to and from); and (iii) not diminish its ability to remain viable in use in the long term. The site adjoins the gardens of a number of Grade II listed buildings fronting Walnut Tree Walk and Kennington Road. An assessment of the impact of the proposal upon these listed buildings is included at paras 6.2.27 – 6.2.29 and at para 6.2.38 it is concluded that no harm would result to the setting of these listed buildings. As noted at para 6.2.29 of the report the contemporary design approach is considered acceptable in this instance. The increase in the height of the buildings has been considered in the assessment as well as the views to and from the listed buildings. Having regard to the bulk, scale, mass design and appearance of the proposed development and the physical relationship between it and the listed buildings it is considered that no harm will result. It is considered that the requirements of Policy Q20 have been met.

Policy Q22 Conservation areas

4.1.23 Policy Q22 states that development proposals affecting conservation areas will be permitted where they preserve or enhance the character or appearance of conservation areas by (i) respecting and reinforcing the established positive characteristics of the area in terms of the building line, siting design, height, form, materials, joinery window detailing etc. and (ii) protecting the setting (including views in and out of the area). The impact of the proposed development upon the conservation area is assessed at paras 6.2.21- 6.2.26 of the report. This includes reference to the contemporary nature of the design approach and the fact that development would be viewed as a discrete contemporary element against the backdrop provided by surrounding historic buildings within the conservation area. As set out previously in this report there is no requirement for contemporary buildings to provide a pastiche of surrounding character. As noted in the report the existing building on the site is of a modern design and is considered to make a neutral contribution to the character and appearance of the conservation area. The proposed design features of the building including elements such as balconies and the impact of the proposed PV panels have been assessed and it is considered that the proposals would not be harmful and would preserve the character or appearance of the Walcot Conservation area and the setting of the Lambeth Walk and China Walk Conservation Area. As such it is considered that the proposal is in accordance with Policy Q22.

5. Conclusion

5.1 Having regard to the issues set out above the recommendation remains as set out in the report at **Appendix A**, subject to the additional conditions set out in section 3 (Report Changes) of this report.