

COMMUNITY COUNCILS
A voice for your community



Peckham Community Council

Planning Agenda

DATE: Wednesday September 20 2006	TIME: 6.00pm
PLACE: Peckham Pulse Healthy Living Centre, 10 Melon Road, SE15	

- 1. Welcome and introductions**
- 2. Apologies**
- 3. Notification of any items which the Chair deems urgent**
- 4. Disclosure of Members' interests and dispensations**
- 5. Matters from the previous meeting**
Minutes from the January 19 2006 (Planning) Community Council meeting,
to be agreed.

6. Planning Application for Decision:

Item1/1

92-94 FRIARY ROAD, LONDON, SE15 1PX – Full Planning Permission

7. Closing comments by Chair

ADDITIONAL INFORMATION

Peckham Community Council Membership

Councillor Tayo Situ *Chair*

Councillor Mary Foulkes *Vice Chair*

Councillor Barrie Hargrove

Councillor Richard Livingstone

Councillor Ola Oyewunmi

Councillor Andrew Pakes

Carers' Allowances

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Deputations

For information on deputations please ask the clerk for the relevant handout.

Exclusion of Press and Public

The following motion should be moved, seconded and approved if the Community Council wishes to exclude the press and public to deal with reports revealing exempt information.

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of information as defined in paragraphs 1-15, Access to Information Procedure Rules of the Constitution.”

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Members of the public with a disability who wish to attend Community Council meetings and who require transport assistance in order to access the meeting, are requested to call the meeting clerk at the number below to give his/her contact and address details. The clerk will arrange for a driver to collect the person and provide return transport after the meeting. There will be no charge to the person collected. Please note that it is necessary to call the clerk as far in advance as possible, at least three working days before the meeting.

Wheelchair access

Southwark Town Hall is wheelchair accessible.

For further information, please contact the Peckham Community Council clerk:

Rachel Bannerman

Phone: 0207 525 1022

E-mail: rachael.bannerman@southwark.gov.uk

Council Website: www.southwark.gov.uk

Language Needs

If you want information on the Community Councils translated into your language please telephone 020 7525 57514. To inform us of any special needs or requirements, such as transport or signer/interpreter, please telephone 0207 525 7514

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কোন বিশেষ প্রয়োজন সম্বন্ধে যদি আমাদের জানাতে চান যেমন ট্রান্সপোর্ট অথবা সংকেত দ্বারা অনুবাদক/ইন্টারপ্রেটার তাহলে 020 7525 0640 নম্বরে টেলিফোন করুন

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Turkish

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Si aad noogu sheegto haddii aad leedahay baahi gaar ama wax gooni kuu ah sida gaadiid, af celiyaha dadka indha la' fadlan tilifooni 020 7525 7514

Somali

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French

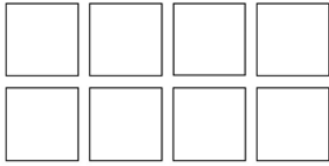
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Lati jẽ ki a mõ nipa iranlõwõ tabi idi pato, gẽgẽbi õkõ (mõto) tabi olutumõ, jowõ pe telifoonu 020 7525 7514.

Yoruba



COMMUNITY COUNCILS
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Peckham Community Council Planning Meeting

Minutes of Meeting
19 January 2006

Peckham Settlement, Goldsmith Road SE15 5TF

COUNCILLORS PRESENT

1. Councillor Graham Neale – Chair
Councillor Billy Kayada

OFFICERS PRESENT

2. Sonia Watson (Planning Officer)
Nagla Sheikh and Julia Barton (Legal Officers)
Tim Murtagh (Community Council Officer)

INTRODUCTION AND WELCOME

3. The meeting began at 7:05pm.
4. The Chair welcomed the public to the Peckham Community Council Planning Meeting and outlined housekeeping matters relating to the venue.

APOLOGIES FOR ABSENCE

5. Apologies were received from Cllrs Hargrove, Hunt, Porter and Situ.

NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT

6. None were received.

DISCLOSURE OF INTERESTS AND DISPENSATIONS

7. There were none.

ITEM 1: 32 PECKHAM HILL STREET, SE15

8. The planning officer summarised the report.

9. The objectors made a statement.

10. Councillors asked questions of the objector.

11. The applicant made a statement.

12. Councillors asked questions of the applicant.

13. All parties made further contributions including summing up.

After deliberation

14. Councillors proposed that planning permission be refused.

RESOLVED:

15. That planning permission be refused on the grounds outlined in the report.

EPILOGUE

16. The Chair thanked everybody for attending.

17. The meeting closed at 7:50 pm

Chair:

Dated:

Item No.	Classification: Open	Date: September 2006	Meeting Name: Peckham Community Council
Report title:		Development Control	
Ward(s) or groups affected:		All within Peckham Community Council	
From:		Strategic Director of Regeneration	

RECOMMENDATIONS

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports included in the attached items be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for decisions or conditions are not included or not as included in the reports relating to an individual item, they be clearly specified.

BACKGROUND INFORMATION

4. The Council's powers to consider Community Council Planning business detailed in Article 10 under Role and Functions of Community Councils were agreed by the Constitutional Meeting of the Council on 25 May 2005. The Matters Reserved to the Planning Committee and Community Councils Exercising Planning Functions are described in Part 3F of the Southwark Council Constitution 2005/06. These functions were delegated to the Planning Committee and Community Councils.

KEY ISSUES FOR CONSIDERATION

5. Members are asked to determine the attached applications in respect of site(s) within the borough.
6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. The draft decision notice will detail the reasons for any approval or refusal.
7. Applicants have the right to appeal to the First Secretary of State against a refusal of planning permission and against any condition imposed as part of permission. If the appeal is dealt with by public inquiry then fees may be incurred through employing Counsel to present the Council's case.
8. The sanctioning of enforcement action can also involve costs such as process serving, Court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal involving a public inquiry or informal hearing the inspector can make an award of costs against the offending party.
10. All legal/Counsel fees and costs as well as awards of costs against the Council are borne by the Regeneration budget.

EFFECT OF PROPOSED CHANGES ON THOSE AFFECTED

11. Equal opportunities considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Borough Solicitor & Secretary

12. A resolution to grant planning permission shall mean that the Development & Building Control Manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the Committee and issued under the signature of the Development & Building Control Manager shall constitute a planning permission. Any additional conditions required by the Committee will be recorded in the Minutes and the final planning permission issued will reflect the requirements of the Community Council.
13. A resolution to grant planning permission subject to legal agreement shall mean that the Development & Building Control Manager is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the Borough Solicitor and Secretary, and which is satisfactory to the Development & Building Control Manager. Developers meet the Council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the Borough Solicitor and Secretary. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the Council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 54A of the Town and Country Planning Act 1990 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently the Southwark Unitary Development Plan adopted by the Council in July 1995 and the London Plan adopted by the Mayor of London in February 2004. The enlarged definition of "development plan" arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
15. Section 106 of the Town and Country Planning Act 1990 introduced the concept of planning obligations. Planning obligations may take the form of planning agreements or unilateral undertakings and may be entered into by any person who has an interest in land in the area of a local planning authority. Planning obligations may only:
 1. restrict the development or use of the land;
 2. require operations or activities to be carried out in, on, under or over the land;
 3. require the land to be used in any specified way; or
 4. require payments to be made to the local planning authority on a specified date or dates or periodically.

Planning obligations are enforceable by the planning authority against the person who gives the original obligation and/or their successor/s.

16. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligations must also be such as a reasonable planning authority, duly appreciating its statutory duties, can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement Members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda 25 th March 2005	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	Lesley John 020 7525 7228
Each application has a separate planning case file	Council Offices Chiltern Portland Street London SE27 3ES	The named case Officer as listed or Phil Chambers 020 7525 5447

APPENDIX 1

Audit Trail

<u>Lead Officer</u>	Glen Egan, Acting Borough Solicitor & Secretary	
Report Author	Ellen FitzGerald, Acting Senior Planning Legal Officer [relevant officer], Constitutional Support Officer (Executive)	
Version	Final	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
<i>Officer Title</i>	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Paul Evans Strategic Director of Regeneration	No	No
Joe Battye, Acting Development & Building Control Manager	No	No

ITEMS ON AGENDA OF THE PECKHAM CC
on Wednesday 20 September 2006

Appl. Type Full Planning Permission

Reg. No. 06-AP-0118

Site 92-94 FRIARY ROAD, LONDON, SE15 1PX

TP No. TP/2711-92

Ward Peckham

Officer Sonia Watson

Recommendation GRANT

Item

Proposal

1/1

Removal of condition 5 on application 668/87 approved 8-9-1987: condition relates to the retention of land at the rear for car parking for residents of 92 -94 Friary Road.

92-94 Friary Road



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 purposes only.



Claire Cook
 Scale 1/1250
 Date 7/9/2006

**Southwark
 Council**

Item No. 1	Classification OPEN	Decision Level Peckham Community Council	Date 20/09/2006
From Development and Building Control Manager		Title of Report DEVELOPMENT CONTROL	
Proposal (06-AP-0118) Removal of condition 5 on application 668/87 approved 8-9-1987: condition relates to the retention of land at the rear for car parking for residents of 92 - 94 Friary Road.		Address 92-94 FRIARY ROAD, LONDON, SE15 1PX Ward Peckham	

PURPOSE

- 1 For Peckham Community Council to consider the above application due to the number of objections received.

RECOMMENDATION

- 2 Grant consent for the removal of the condition.

BACKGROUND

Site location and description

- 3 The site comprises a part 3 storey, part 2 storey block of 5 x 1-bedroom flats for which planning permission was granted in September 1987. The building is located on the junction of Holbeck Row, which is a cul de sac with Victorian terraces on either side of the street. The original development of the flats on Friary Road also included the use of land to the rear as a car parking area for the flats with access from Holbeck Row. A condition was added to the consent restricting the use of the land at the rear solely for parking associated with the flats.

Details of proposal

- 4 An application is made for the removal of condition 5 in respect of planning application 668/87 approved on 8th September 1997 which required the land to the rear of a new block of flats 92/94 Friary Road to be used for residents parking. The removal of the condition will facilitate the redevelopment of the site as a single family dwelling house.

Planning history

- 5 A total of 3 planning applications have been received for the redevelopment of the land to the rear. The first application 02-AP-1356 for the erection of a two storey dwelling house was refused in September 2002 the reasons for refusal are summarised below,
 - Loss of the 5 off-street parking spaces, leading to an increase in on street parking leading to congestion in the area.
 - The location of the kitchen window to the neighbouring flat would create an unacceptable sense of enclosure.

- 6 A second application 05-AP-0111 was refused in July 2005 for a 2 storey dwelling on the land at the rear, this application was refused on the grounds of;

The proposed 2-storey house, due to its design and relationship to the height, design

7 and traditional appearance of the adjacent buildings, would adversely affect the character, appearance and continuity of this part of the street.

8 A third application was subsequently lodged again for a 2 storey dwelling this has addressed the previous reasons for refusal but can not be determined until such time as the condition on the original consent which reserves the site for parking is removed from the original decision notice.

FACTORS FOR CONSIDERATION

Main Issues

9 The main issues in this case are:
a] The principle of development in terms of land use.
b] Whether the removal of the condition would result in an unacceptable level of on-street parking.

Planning Policy

10 At its meeting on 29th June 2006 the Council resolved to adopt the Southwark Plan subject to modifications. Therefore apart from a small number of exceptions, the policies in the Southwark Plan now have significant weight in the determining of planning applications. Whilst the 1995 Unitary Development Plan remains the statutory Development Plan until such time as the Southwark Plan is formally adopted it is likely that, in determining pending applications, the Council will give predominant weight to Southwark Plan policies. Upon formal adoption the policies in the Southwark Plan will be applied unless material considerations indicate otherwise.

11 The Southwark Plan [Modifications Version] 2006
3.2 Protection of Amenity
3.10 Efficient Use of Land
5.6 Car Parking

12 Southwark Unitary Development Plan 1995 [UDP]:
E.3.1 Protection of Amenity
T.6.3 Parking for new Developements
Supplementary Planning Guidance no. 5

Consultations

13 Site Notice: Press Notice:
3/2/2006 N/A

14 Consultees:
Transport
1- 4 Consec Holbeck Row
24,25 Holbeck Row
78 Furley Road
88 - 100 (even) Friary Road

Replies from:

15 Transport - Raise no objections, in the assesement of planning application 05-AP-0111 it was considered that the proposal would not lead to an increase in on street parking given the situation that has existed over the last few years.

16 3 Holbeck Row - Parking is already difficult - made worse by this property keeping their spaces locked.

17 4 Letters of objection have been received from the leaseholder companies of Flats, B,

C, D and E 92 - 94 Friary Road. These flats are owned by property companies based in the same offices in Harrow - The objection is that as the flats are currently on a short term lease to a Housing Association there is less parking demand and feel that when the lease expires and they try to lease privately this may add to parking pressures in the area.

- 18 In support of his application, the applicant has written to confirm that the current freehold owner of flats A, B and C acquired the titles without the benefit of parking spaces and the leaseholds to flats D and E were purchased on the same basis. He further states that since acquiring the site in 2004 a sign advertising parking available has been in place, since the sign was placed only two enquiries have been received, one from a company wanting to use the site as a car wash and one from travellers wanting to park their caravans. Both offers were rejected.

PLANNING CONSIDERATIONS

Principle of development

- 19 The land was sold off and separated from the flat development in the late 1990's early 2000. The spaces have not been used by the units for parking for at least 6 years. During this time no enforcement complaints were made as a result of the site not being used for parking, or for the enclosure of the parking area by 1.8 metre high gates and railings.

Impact on amenity

- 20 The removal of the condition would allow the site to be developed which would improve the visual amenity in the street. The continued vacancy of site would not necessarily lead to the use of the land for parking given the different land ownership.

Comments from the leaseholder companies

- 21 The leaseholder states that the land should be left for residential parking for the flats, however the building was purchased without the land to the rear and the area has not been used for parking by the occupants of the flats for some time. Although on lease to the Housing Association it would not be correct to assume that the occupants are less likely to own a car than if the units were occupied by private individuals.

Conclusion

- 22 The application to redevelop this site for residential use did, in 2002, receive a refusal on the basis of the loss of the parking area to the rear. However, the most recent decision in 2005 did not give this as a reason for refusal, having accepted that the land had not been used by the flats on Friary Road for parking purposes for the last 5 years and was unlikely to be available to them in future given the different land ownership. Any future residents moving into 92-94 would be aware that there would be no off-street parking available with their unit and would chose to live there on that basis. The site is located in a Public Transport Accessibility Zone PTAL 3 although it is within walking distance of PTAL 4, which is average; 6 being the highest. There are alternative methods of transport locally and as such it is considered reasonable in planning terms to relinquish the parking here, particularly given the extended period that it has not had an active parking use.

It is recommended therefore that the condition be removed.

COMMUNITY IMPACT STATEMENT

- 23 In line with the Council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.

a] The impact on local people is set out above.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

- 24 The proposal would reduce the amount of parking available in the area this would limit the level of parking and thus the numbers of cars. In addition the proposal would allow the site to be redeveloped to provide a family dwelling, which would be a far more sustainable use than a parking area.

LEAD OFFICER	Joe Battaye	Head of Development & Building Control
REPORT AUTHOR	Sonia Watson	Team Leader Development Control [tel. 020 7525 5434]
CASE FILE	TP/2711-92	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

RECOMMENDATION

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

Applicant Clearcom Properties Ltd
Application Type Full Planning Permission
Recommendation Grant

Reg. Number 06-AP-0118

Case Number TP/2711-92

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Removal of condition 5 on application 668/87 approved 8-9-1987: condition relates to the retention of land at the rear for car parking for residents of 92 -94 Friary Road.

At: 92-94 FRIARY ROAD, LONDON, SE15 1PX

In accordance with application received on 19/01/2006

and Applicant's Drawing Nos. 376/01.1

Subject to the following condition:

Reasons for granting planning permission.

This planning application was considered with regard to various policies including, but not exclusively:

- a] Policies 3.2 'Protection of Amenity', 3.10' Efficient Use of Land' and 5.6 'Car Parking' of the Southwark Plan 2006 [Modifications Version].
- b] Policies E.3.1 'Protection of Amenity' and T.6.3 'Parking for New Developments' of The Southwark Unitary Development Plan 1995

Planning permission was granted as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.

DISTRIBUTION LIST**MUNICIPAL YEAR 2006/07****COUNCIL: PECKHAM COMMUNITY COUNCIL****NOTE:** Original held by Peckham Programme; amendments to Pauline Bonner (Tel: 020 7525 1019)

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