

Dulwich Community Council

Planning

Monday 17 October 2011

7.00 pm

Christ Church, 263 Barry Road, London SE22 0JT

Membership

Councillor Lewis Robinson (Chair)
Councillor Robin Crookshank Hilton (Vice-Chair)
Councillor James Barber
Councillor Toby Eckersley
Councillor Helen Hayes
Councillor Jonathan Mitchell
Councillor Michael Mitchell
Councillor Rosie Shimell
Councillor Andy Simmons

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: Friday 7 October 2011



Order of Business

- | Item No. | Title |
|----------|--|
| 1. | INTRODUCTION AND WELCOME |
| 2. | APOLOGIES |
| 3. | DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS |

Members are asked to declare any interest or dispensation and the nature of that interest or dispensation which they may have in any of the items under consideration at this meeting.

Item No.

Title

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. MINUTES FROM THE PREVIOUS MEETING (Pages 5 - 10)

To confirm as a correct record the minutes of the meeting held on 8 September 2011.

6. DEVELOPMENT CONTROL ITEMS (Pages 11 - 15)

6.1. 6 BEAUVAL ROAD, LONDON SE22 8UQ (Pages 16 - 29)

6.2. LAND ADJACENT TO 379 UPLAND ROAD, LONDON SE22 0DR (Pages 30 - 44)

6.3. 325 UNDERHILL ROAD, LONDON SE22 9EA (Pages 45 - 53)

6.4. 325 UNDERHILL ROAD, LONDON SE22 9EA (Pages 54 - 64)

7. PLANNING ENFORCEMENT PERFORMANCE FOR PERIOD 1 APRIL 2011 TO 31 AUGUST 2011 (Pages 65 - 78)

Date: Friday 7 October 2011

INFORMATION FOR MEMBERS OF THE PUBLIC

CONTACT: Beverley Olamijulo, Constitutional Officer, Tel: 020 7525 7234 or email: beverley.olamijulo@southwark.gov.uk
Website: www.southwark.gov.uk

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BABYSITTING/CARERS' ALLOWANCES

If you are a resident of the borough and have paid someone to look after your children or an elderly or disabled dependant, so that you can attend this meeting, you may claim an allowance from the council. Please collect a claim form from the Constitutional Officer at the meeting.

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Deputations provide the opportunity for a group of people who are resident or working in the borough to make a formal representation of their views at the meeting. Deputations have to be regarding an issue within the direct responsibility of the Council. For further information on deputations, please contact the Constitutional Officer.

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Dulwich Community Council

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إحتياجات لغوية
إذا كنت ترغب في الحصول على معلومات عن مجالس المجموعات المحلية وترجمتها إلى لغتك
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SE1 2TZ London

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আপনি যদি নিজের ভাষায় কমিউনিটি কাউন্সিল সম্পর্কে তথ্য পেতে চান তাহলে 020 7525 7234 নম্বরে ফোন করুন অথবা 160 Tooley Street, London SE1 2TZ ঠিকানায় গিয়ে অফিসারদের সাথে দেখা করুন।

Yoruba:

Awon Kosemani Fun Ede

Bi o ba nfe àlàyé kíkún l'ori awon Ìgbimò Àwùjo ti a se ayipada si ede abíníbí re, jọwọ tẹ wa l'aago si ori nomba yi i : 020 7525 7234 tabi ki o yo ju si awon òṣiṣé òsisé ni ojúlé 160 Tooley Street , London SE1 2TZ .

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If you lek for sabi all tin but Community Council na you yone language, do ya telephone 020 7525 7234 or you kin go talk to dee officesr dem na 160 Tooley Treet, London SE1 2TZ.

Planning at Community Council Meetings

This sheet will tell you about what happens at the meeting when the community council considers a planning application, a planning enforcement case or other planning proposals.

The community council must follow the same rules and procedures as the council's main planning committee.

The items are heard in the order printed on the agenda, but the chair may change the running order of the items.

At the start of each item, the council's planning officer will present the report about the planning application and answer points raised by Members of the committee. After this, the following people may speak on the application if they wish, but **not more than 3 minutes each**:

1. A representative (spokesperson) for the objectors - if there is more than one objector wishing to speak the time is then divided within the 3 minute time slot
2. The applicant or their agent
3. A representative for any supporters who live within 100 metres of the development site
4. A ward councillor from where the proposal is located.

The chair will ask the speakers to come forward to speak. Once the speaker's three minutes have elapsed, members of the committee may ask questions of them, relevant to the roles and functions of the community council.

Members of the committee will then debate the application and consider the recommendation.

Note

If there are several objectors or supporters, they have to identify a representative who will speak on their behalf. If more than one person wishes to speak, the 3 minute time allowance must be shared amongst those who wish to speak. Objectors may wish to meet with other objectors in the foyer of the hall prior to the start of the meeting to appoint a representative.

Speakers should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already on the report.

The arrangements at the meeting may be varied at the discretion of the Chair.



DULWICH COMMUNITY COUNCIL - Planning -

MINUTES of the Dulwich Community Council Planning meeting held on Thursday 8 September 2011 at 7.00 pm at Dulwich Grove United Reform Church, East Dulwich Grove, London SE22 8RH

PRESENT:	Councillor Lewis Robinson (Chair) Councillor Robin Crookshank Hilton (Vice-Chair) Councillor James Barber Councillor Toby Eckersley Councillor Helen Hayes Councillor Jonathan Mitchell Councillor Michael Mitchell Councillor Rosie Shimell Councillor Andy Simmons
OFFICER SUPPORT:	Sonia Watson, Planning Officer Gavin Blackburn, Legal Officer Michael Tsoukaris, Head of Design and Conservation Beverley Olamijulo, Constitutional Officer

1. INTRODUCTION AND WELCOME

The chair welcomed members of the public, councillors and officers to the community council meeting.

2. APOLOGIES

There were none.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

The following members declared interests in relation to the agenda items below:

Item 6.4 – 30 Seeley Drive, London SE21 8QR application number 11-AP-1007

Councillor Andy Simmons, personal and non prejudicial, as he wished to address the meeting in his capacity as a ward councillor.

Item 6.2 – 60 Dulwich Village, London SE21 7AJ application number 10-AP-3756

Councillor Robin Crookshank Hilton, personal and non prejudicial, as ward member.

Item 6.3 – 60 Dulwich Village, London SE21 7AJ application number 10-AP-3755

Councillor Robin Crookshank Hilton, personal and non prejudicial, as ward member.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

There were none.

An addendum report containing late amendments to the officer's report was circulated at the meeting.

5. MINUTES FROM THE PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 28 July 2011 be agreed as a correct record and signed by the chair subject to the amendment below:

The decision for item 6.2 - 6, Beauval Road, London SE22 8UQ planning application number 11-AP-3752 should include the applicant also requested a lighting study should be carried out before it is next determined.

6. DEVELOPMENT CONTROL ITEMS**6.1 21 GILKES CRESCENT, LONDON SE21 7PB**

Planning application reference number 11-AP-1040

PROPOSAL:

Proposed ground floor front and rear extensions and associated works including a raised platform to the rear (Use Class C3).

The planning officer introduced the report and circulated site plans.

The officer drew Members' attention to the addendum report which contained late comments with regard to the application.

Members asked questions of the planning officer.

There were no objectors present.

The applicant addressed the meeting in support of the application.

There were no supporters present.

No members wished to speak in their capacity as ward members.

Members discussed the application.

RESOLVED:

That planning application 11-AP-1040 be approved subject to a revised condition 3 as outlined below:

Revised condition 3

The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved. In addition the glazing detail to the doors of the front extension shall match the original glazing details.

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with Strategic Policy 12 - Design and Conservation, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policies 3.12 'Quality in Design', 3.13 'Urban Design' and 3.16 'Conservation areas' of the Southwark Plan (2007).

6.2 60 DULWICH VILLAGE, LONDON SE21 7AJ

Members considered items 6.2 and 6.3 together as they related to the same site address.

Note: At this juncture Councillor Robin Crookshank Hilton sat in the public gallery and did not take part in the debate or decision.

Planning application reference number 10-AP-3756

PROPOSAL:

Demolition of late 20th century additions to allow the construction of a new extension to the side and rear at ground and lower ground floor levels to provide additional living accommodation; internal alterations.

The planning officer introduced the reports and circulated site plans.

The planning officer drew Members' attention to the addendum report which contained late comments with regard to both applications.

It was noted that a site visit was attended by members of the community council.

Members asked questions of the planning officer.

A spokesperson for the objectors addressed the meeting on applications 6.2 and 6.3.

The applicant's agent spoke in support of the applications.

There were no supporters present at the meeting. All parties responded to questions from members.

At this point Councillor Robin Crookshank Hilton left the room.

Members discussed the application.

RESOLVED:

That planning application 10-AP-3756 be refused on the following grounds:

1. The proposed extension by reason of its footprint, scale and bulk would result in an incongruous addition, overwhelming the existing built proportions and removing significant gaps within the building. The proposal is considered out of character with the existing Grade II listed building and with the Dulwich Village Conservation Area.
2. The proposal is also considered contrary to Saved Southwark Plan policies: 3.2 Protection of amenity, 3.12 Quality in design, 3.13 Urban design, 3.15 Conservation and the historic environment, 3.17 Listed buildings, Strategic Policy 12 Design and conservation of the Core Strategy 2011, PPS 5 Planning and the historic environment and the Dulwich Village Conservation Area Appraisal.
3. The proposed extension by reason of the extensive use of glazing to the rear would result in an intrusive feature impacting on the residential amenity by reason of visual impact and privacy to the adjoining properties. The proposal is contrary to Saved Policy 3.2 Protection of amenity of the Southwark Plan and Strategic Policy 13 High environmental standards of the Core Strategy 2011.

6.3 60 DULWICH VILLAGE, LONDON SE21 7AJ

Planning application reference number 10-AP-3755

PROPOSAL:

Demolition of late 20th century additions to allow the construction of a new extension to the side and rear at ground and lower ground floor levels to provide additional living accommodation.

RESOLVED:

That the planning application be refused on the grounds the proposed extension due to its width, bulk and detailed design would fail to relate sensitively and respect the period, style, detailing and context of this Grade II Georgian listed building contrary to Saved Policy 3.17 Listed Buildings of the Southwark Plan 2007, Strategic Policy 12 Design and Conservation of the Core Strategy and PPS5 Planning for the historic environment.

Note: At this point Councillor Robin Crookshank Hilton rejoined the meeting.

6.4 30 SEELEY DRIVE, LONDON SE21 8QR

Note: At this point Councillor Andy Simmons sat in the public gallery and did not take part in the debate or decision.

Planning application reference number 10-AP-1007

PROPOSAL:

Change of use of the ground floor from Class A1 retail to Class A5 takeaway, together with the installation of a new shopfront and the erection of ventilation ducting to the rear elevation.

The planning officer introduced the reports and circulated site plans.

The officer drew Members' attention to the addendum report which contained late comments with regard to both applications.

Members asked questions of the planning officer. Members noted the late objection that was circulated prior to the meeting.

No objectors were present.

The applicant was not present and no supporters were at the meeting.

Councillor Andy Simmons addressed the meeting in his capacity as ward member and then left the room.

Members discussed the application.

RESOLVED:

That planning application 11-AP-1007 be refused on the grounds:

1. The proposed use of the premises as a hot food takeaway and delivery service by virtue of the nature and level of counter sales compared with delivery would result in high numbers of people coming to the courtyard area around the square later on in the evening when the area was quieter resulting in increased levels of activity through people gathering, noise from people coming and going and potential for increased litter in the area.
2. As such the proposal would be contrary to Saved Southwark Plan Policy 1.9 Change of use within protected shopping frontages iii) and Policy 3.2 Protection of amenity and Strategic Policy 13 High environmental standards of the Core Strategy 2011.

The meeting ended at 9.45 pm.

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 17 October 2011	Meeting Name: Dulwich Community Council
Report title:		Development Management	
Ward(s) or groups affected:		All within Dulwich [College, East Dulwich & Village] Community Council area	
From:		Deputy Chief Executive	

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 planning business are detailed in Part 3F which describes the role and functions of the planning committee and Part 3H which describes the role and functions of community councils. These were agreed by the annual meeting of the council on 19 May 2010 and amended on 20 October 2010. The matters reserved to the planning committee and community councils exercising planning functions are described in parts 3F and 3H of the Southwark Council constitution. These functions were delegated to the planning committee.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate -
6. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
7. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

8. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
9. 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. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
10. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the Council's case at appeal which may be substantial if the matter is dealt with at a public inquiry.
11. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
12. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
13. All legal/Counsel fees and costs as well as awards of costs against the council are borne by the regeneration and neighbourhood's budget.

Community Impact Statement

14. Community Impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

15. 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 planning committee.
16. 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 strategic director of communities, law and governance, 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 strategic director of

communities, law & governance. The planning permission will not be issued unless such an agreement is completed.

17. 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 38(6) of the Planning and Compulsory Purchase Act 2004 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.
18. The development plan is currently the Southwark Plan (UDP) 2007 adopted by the council in July 2007 and the London Plan (consolidated with alterations since 2004) published in February 2008. 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).
19. Section 106 of the Town and Country Planning Act 1990 as amended 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:
 - I. restrict the development or use of the land;
 - II. require operations or activities to be carried out in, on, under or over the land;
 - III. require the land to be used in any specified way; or
 - IV. 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.

20. 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 obligation 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 June 27 2007 and Council Assembly Agenda January 30 2008	Constitutional Team Communities, Law & Governance 2 nd Floor 160 Tooley Street PO Box 64529 London SE1 2TZ	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE1P 5LX	The named case Officer as listed or Gary Rice 020 7525 5437

AUDIT TRAIL

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Nagla Stevens, Principal Planning Lawyer Kenny Uzodike, Constitutional Officer	
Version	Final	
Dated	1 November 2010	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Strategic Director of Regeneration and Neighbourhoods	No	No
Head of Development Management	No	No

**ITEMS ON AGENDA OF THE DULWICH COMMUNITY COUNCIL
on Monday 17 October 2011**

Appl. Type Full Planning Permission
Site 6 BEAUVAL ROAD, LONDON, SE22 8UQ

Reg. No. 10-AP-3752
TP No. TP/2313-6
Ward Village
Officer Anthony Roberts

Recommendation GRANT PERMISSION

Item 6.1

Proposal

Dormer roof extensions to main rear roofslope and over outrigger, providing additional residential accommodation for dwellinghouse.

Appl. Type Renewal of unimplemented permission
Site LAND ADJACENT TO 379 UPLAND ROAD, LONDON, SE22 0DR

Reg. No. 11-AP-1735
TP No. TP/2567-379
Ward College
Officer Sonia Watson

Recommendation GRANT PERMISSION

Item 6.2

Proposal

Renewal of planning permission 05-AP-1380 granted on appeal on 4 June 2006 for: Residential development consisting of six self contained two bedroom flats, proposing lift access to all floors and underground/lower ground floor off street parking.

Appl. Type Advertisement Consent
Site 325 UNDERHILL ROAD, LONDON, SE22 9EA

Reg. No. 10-AP-2071
TP No. TP/ADV/2561-325
Ward East Dulwich
Officer Wing Lau

Recommendation GRANT PERMISSION

Item 6.3

Proposal

Installation of 6 No. fascia signs to shop fronts and associated swan neck lights - properties 321, 323, 325, 327 and 329 Underhill Road and 135 Hindmans Road.

Appl. Type Full Planning Permission
Site 325 UNDERHILL ROAD, LONDON, SE22 9EA

Reg. No. 10-AP-2152
TP No. TP/2561-325
Ward East Dulwich
Officer Wing Lau

Recommendation GRANT PERMISSION

Item 6.4

Proposal

Replace 6 shop fronts with new timber double glazed units, new paving to front of shops and installation of 4 new seating planters. Demolish a section of existing garden wall; rendering, capping & decorating the remaining garden walls. Other refurbishment works to external fittings. Properties: 321, 323, 325, 327 and 329 Underhill Road and 135 Hindmans Road.

6 BEAUVAL ROAD, LONDON, SE22 8UQ

Ordnance Survey

Date 5/10/2011



Agenda Item 6.1

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Item No. 6.1	Classification: Open	Date: 17 October 2011	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 10-AP-3752 for: Full Planning Permission Address: 6 BEAUVAL ROAD, LONDON, SE22 8UQ Proposal: Dormer roof extensions to main rear roofslope and over outrigger, providing additional residential accommodation for dwellinghouse.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		

1 **RECOMMENDATION**

2 Grant planning permission.

BACKGROUND INFORMATION

4 This item was deferred from the Dulwich Community Council meeting on 28 July 2011 in order for a site visit to be undertaken. A site visit took place on 1 September 2011, with Councillors Lewis Robinson, Michael Mitchell and Toby Eckersley. In addition the applicant has provided a daylight / shadow study to demonstrate potential impacts upon no. 4 Beauval Road.

5 Comments have been received on behalf of the objector at no. 4 Beauval Road on the information submitted, which are as follows;

6 *"The study that the applicant has submitted is wholly inadequate. It does not distinguish between daylight and sunlight and it only looks at one point in the year – the 21 of June. Daylight and sunlight studies should be done on the 21st of March through to the 21 of September and not the 21 June. The shadow study does not assess the impact on individual rooms. We need to see a study that assess daylight and sunlight and gives the vertical sky components for each window, with or without the new development in place.*

The BRE Report recommends that for existing buildings sunlight should be checked for all main living rooms of dwellings if they have a window facing 90 degrees of due south. The BRE report states that if the centre of the window can receive more than one quarter of annual probable sunlight hours, including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the room should still receive enough sunlight. The shadow study submitted does not give us or Council Officers this information and therefore one cannot assess it independently".

7 Details of the application are set out in officer report below.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2313-6 Application file: 10-AP-3752 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5458 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Report 28 July 2011

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Sonia Watson, Senior Planning Officer	
Version	Final	
Dated	29 September 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
Date final report sent to Constitutional Team	5 October 2011	

Item No.	Classification: OPEN	Date: 28 July 2011	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 10-AP-3752 for: Full Planning Permission Address: 6 BEAUVAL ROAD, LONDON, SE22 8UQ Proposal: Dormer roof extensions to main rear roofslope and over outrigger, providing additional residential accommodation for dwellinghouse.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 23 December 2010		Application Expiry Date 17 February 2011	

RECOMMENDATION

- 1 Grant planning permission.

BACKGROUND INFORMATION

Site location and description

- 2 This application is being referred to Dulwich Community Council for consideration due to the number of objections received. The application site is a 2 storey terrace dwellinghouse located on the western side of Beauval Road. The properties on this road are all of similar style and size with a number of properties having some form of extension. It should be noted that no. 4 Beauval Road sits on a slightly lower ground level to the application site
- 3 The application site is not listed, but located within the Dulwich Village Conservation Area.

Details of proposal

- 4 Planning permission is sought for a rear and side roof extension to the main rear roofslope and over the outrigger, providing additional residential accommodation for dwellinghouse.
- 5 The extension to the main rear slope would measure 5.190 metres wide, 2.5 metres high and 2.5 metres in depth and would consist of a timber framed sash window. The extension on the outrigger would measure 4 metres wide, 2.4 metres high on the horizontal face and 1.7 metres high on the vertical face and 3 metres in depth and would consist of a timber framed sash window with opaque glazing. The materials to be used for this development would match the of the existing building and will include 3 conservation rooflights to the front of the property.
- 6 The scheme has been revised since it was first submitted, reducing the overall bulk of the extension proposed.

Planning history

- 7 None

Planning history of adjoining sites

- 8 4 Beauval Road
Planning permission (01-AP-1787) was refer granted in September 2002 for the conversion of loft space together with the construction of a rear dormer window to provide additional living accommodation.
- 9 2 Beauval Road
Planning permission (06/AP/2402) was refused May 2007for a rear mansard roof extension to the main roof slope and outrigger.

Planning permission (07/AP/2633) was granted in January 2008 for the erection of a side extension and 2 dormer extensions on the rear elevation and the outrigger.
- 10 8 Beauval Road
Planning permission (08/AP/2061) was granted in October 2008 for dormer extensions to rear and side roof planes as well as 2 rooflights to the front elevation and two rooflights to the side elevation; to provide additional residential accommodation for dwellinghouse.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 11 The main issues to be considered in respect of this application are:
- a) The principle of the development in terms of land use and conformity with strategic policies.
 - b) Design of the proposed extension
 - c) Impact on the amenity of the neighbouring properties and the Dulwich Village Conservation Area.

Planning policy

- 12 Saved Southwark Plan 2007 (July)
- 3.2 Protection of amenity
 - 3.12 Quality in design
 - 3.13 Urban design
 - 3.15 Conservation of the historic environment
 - 3.16 Conservation areas
 - 3.18 Setting of Listed Buildings, conservation areas and word heritage sites
- 13 Residential Design Standards SPD (2008)
Dulwich Village conservation area appraisal.
- 14 London Plan 2008 consolidated with alterations since 2004
N/A

Core Strategy

- 15 Strategic Policy 12 - Design and conservation
Strategic Policy 13 - High Environmental Standards

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

- 16 PPS 5: Planning for the historic environment

Principle of development

- 17 There are no objections in principle to extending residential dwellings, subject to their impacts upon neighbouring residential properties, the host dwelling and the Dulwich Village Conservation Area.

Environmental impact assessment

- 18 None

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

- 19 The development would not impact upon no. 8 Beauval Road to any significant degree and any impact resulting from the development would be to the occupiers at 4 Beauval Road.
- 20 The extension over the outrigger would be at a height that could create some potential for overlooking towards the adjoining property at number 4. It is suggested that a condition be added to the proposal requiring this window to be obscured and top hung opening only so that the potential for any overlooking is minimised. It is not considered that the roof lights proposed to the other side of the outrigger extension diminish the level of privacy to the adjoining property.
- 21 In terms of daylight and sunlight the proposed roof extension would not exceed the height of the existing roof slopes, so whilst there may be some impact due to the additional bulk, it is considered that the side outrigger extension would not cause any harmful loss of daylight or sunlight to the adjoining property at no. 4. The lightwell areas are quite narrow and most of the sunlight is gained from the west and this situation would not change as a consequence of the proposal.

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

- 22 The proposed development is residential, a use which conforms to the residential nature of the area. It is not anticipated that any nearby or adjoining uses will have an adverse impact on the amenity of occupiers of the proposed development.

Traffic issues

- 23 There are no traffic issues arising as a result of this application.

Design issues

- 24 The proposal raises no fundamental issues with regards to its appearance. The proposed extension would use materials to match the existing building. In addition, the proposed development would mirror the roof extensions at no. 8 Beauval Road

which was granted planning permission in 2008.

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

25 There are no listed buildings close to the application site, however, the site is in the Dulwich Village Conservation Area.

26 The impact of this proposal on the heritage asset - the Dulwich Village conservation area and its setting - is considered against the requirements of PPS5 - Planning for the Historic Environment. Policy HE 9.4 of PPS5 – states that : "*Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:*

(i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and

(ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss."

27

This proposal will have a nominal impact on the character and appearance of the conservation area. There is no loss of historic fabric and no impact on the viewer's appreciation of the rear of the properties in the conservation area or its setting.

Impact on trees

28 No trees would be affected by the works

Planning obligations (S.106 undertaking or agreement)

29 Not required

Sustainable development implications

30 N/A

Other matters

31 No other matters were identified.

Conclusion on planning issues

32 It is not considered there is any adverse impact on the character of the dwelling nor on the character of the Conservation Area resulting from the proposed development on the rear property. The size of the proposal is adequate for this property and would be located at the rear of the building and not visible from the public domain. Further subject to conditions, it is not considered that the proposal would be so harmful such that would diminish the amenity currently enjoyed by the adjoining properties. It is therefore recommended that planning permission be granted.

Community impact statement

33 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.

34 a) The impact on local people is set out above.

- 35 b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified.
- 36 c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 39 **6 Dovercourt Road**
The development isn't in keeping with the surrounding architecture. Suggest looking at the other loft conversion in the neighbouring houses such as no 2, no.4 and no.8, which have been built sympathetically to the style of architecture, also with the same window design which are different from the proposed plans. This objection was subsequently withdrawn.
- 40 **4 Beauval Road**
Objects on the grounds that the proposed extension in the loft would cause significant harm to our residential amenities by reason of its siting, scale and design, and that the design is not in keeping with the objective of the Dulwich Conservation Area to positively preserve or enhance the character or appearance of the Conservation Area
- 41 **3 Dovercourt Road**
Raises concerns about a design matching the adjoining property at no. 8 but not taking account of its own context with the adjoining neighbour at no. 4 which sits at a lower level thus resulting in overlooking as a result of the dormer extending across the outrigger.
- 42 It looks out of character with other loft conversions on the road.
- 43 The council received Written Representation from Greer Pritchard (planning & urban design) via email on the 14th February made on behalf of Isabel & Don Marshal in relation to planning application 10/AP/3752 at 6 Beauval Road, Dulwich, London SE22.
- 44 This report represents the interests and objection of immediate neighbours who live at 4 Beauval Road. They have engaged Greer Pritchard to represent them and advise on the application
This report discusses the context of the area, the policy framework, and reason why it is considered the applications should be refused. There are sound and well established policy ground to refuse these application on, by reason of its:
A) Failure to preserve or enhance the character or appearance of the conservation area.
B) Failure to meet the appropriate standards of architectural design as set out in the policy framework and enhance the quality of the built environment.
C) The application would cause demonstrable harm to the amenity of neighbouring properties through loss of outlook, privacy and light

- 45 Dulwich Society
I have viewed the plans and elevation drawings submitted and have a number of concerns about the present proposals which do not, in my view, maintain or enhance the amenity of the Conservation Area.

Human rights implications

- 46 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 47 This application has the legitimate aim of providing additional residential accommodation. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

- 48 N/A

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2313-6 Application file: 10-AP-3752 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5458 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation received

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Anthony Roberts, Planning Officer	
Version	Final	
Dated	30 June 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment	No	No
Date final report sent to Constitutional Team		5 October 2011

APPENDIX 1**Consultation undertaken****Site notice date:** 28/01/2011**Press notice date:** 13/01/2011**Case officer site visit date:** 11/02/2011**Neighbour consultation letters sent:** 28/01/2011**Internal services consulted:** None**Statutory and non-statutory organisations consulted:** None**Neighbours and local groups consulted:**

4 BEAUVAL ROAD LONDON SE22 8UQ

8 BEAUVAL ROAD LONDON SE22 8UQ

3 DOVERCOURT ROAD LONDON SE22 8SS

5 DOVERCOURT ROAD LONDON SE22 8SS

Re-consultation: None

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

6 Dovercourt Road

The development isn't in keeping with the surrounding architecture. Suggest looking at the other loft conversion in the neighbouring houses such as no 2, no.4 and no.8, which have been built sympathetically to the style of architecture, also with the same window design which are different from the proposed plans. This objection was subsequently withdrawn.

4 Beauval Road

Objects on the grounds that the proposed extension in the loft would cause significant harm to our residential amenities by reason of its siting, scale and design, and that the design is not in keeping with the objective of the Dulwich Conservation Area to positively preserve or enhance the character or appearance of the Conservation Area

3 Dovercourt Road

Raises concerns about a design matching the adjoining property at no. 8 but not taking account of its own context with the adjoining neighbour at no. 4 which sits at a lower level thus resulting in overlooking as a result of the dormer extending across the outrigger. It looks out of character with other loft conversions on the road.

The council received written representation from Greer Pritchard (planning & urban design) via email on the 14 February made on behalf of Isabel & Don Marshal in relation to planning application 10/AP/3752 at 6 Beauval Road, Dulwich, London SE22. This report represents the interests and objection of immediate neighbours who live at 4 Beauval Road. They have engaged Greer Pritchard to represent them and advise on the application. This report discusses the context of the area, the policy framework, and reason why it is considered the applications should be refused. There are sound and well established policy ground to refuse these application on, by reason of its:

- a) Failure to preserve or enhance the character or appearance of the conservation area.
- b) Failure to meet the appropriate standards of architectural design as set out in the policy framework and enhance the quality of the built environment.
- c) The application would cause demonstrable harm to the amenity of neighbouring properties through loss of outlook, privacy and light

Dulwich Society

I have viewed the plans and elevation drawings submitted and have a number of concerns about the present proposals which do not, in my view, maintain or enhance the amenity of the Conservation Area.

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	Mr S. Crabtree	Reg. Number	10-AP-3752
Application Type	Full Planning Permission	Case Number	TP/2313-6
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Dormer roof extensions to main rear roofslope and over outrigger, providing additional residential accommodation for dwellinghouse.

At: 6 BEAUVALL ROAD, LONDON, SE22 8UQ

In accordance with application received on 23/12/2010

and Applicant's Drawing Nos. BVR-0001, BVR-0005, BVR-0006, BVR-0007, BVR-0011 Rev C, BVR-0012 Rev D, BVR-0013 Rev D, BVR-0014 Rev C, BVR-0030, BVR-0031. BVR-0000 site plan, Design and Access Statement

Reasons for granting planning permission.

a] Policy 3.2 - Protection of Amenity, which requires that permission will not be granted where it would cause a loss of amenity, 3.12 - Quality of Design which require high level of design in all new developments, Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments, Policy 3.15 (Conservation of the Historic Environment) requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance.

b] Core Strategy 2011- Strategic Policy 12 Design and conservation advise that development will achieve the highest possible standards of design for buildings and public spaces to help create attractive and distinctive places which are safe, easy to get around and a pleasure to be in, and Strategic Policy 13 High Environmental Standards advise that development will help us live and work in a way that respects the limits of the planets natural resources, reduces pollution and damage to the environment and help us adapt to climate changes.

c] PPS 5 Planning and the historic environment

Particular consideration was given to the impact of the proposed development to the adjoining residential properties located at 4 and 8 Beauval Road, however It was considered that there would be no detrimental impacts such that would erode the level of amenity currently enjoyed such that would warrant refusal of planning permission. Consideration was also had on the impact of the proposal on the Dulwich Village Conservation Area, where it was felt that the scheme would satisfy the criteria as set out in PPS 5. It was therefore appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason
As required by Section 91 of the Town and Country Planning Act 1990 as amended
- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: BVR-0011 Rev C, BVR-0012 D, BVR-0013 D, BVR-0014 C.

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 3 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with Strategic Policy 12 - Design and Conservation, Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011 and Saved Policies 3.12 'Quality in Design', 3.13 'Urban Design' and Policy 3.15 Conservation of the Historic Environment of the Southwark Plan (2007).

- 4 The window on the north elevation of the dormer roof extension (facing onto no. 4 Beauval Road) shall be obscure glazed and top hung opening only and shall not be replaced or repaired otherwise than with obscure glazing without the prior written approval of the Local Planning Authority.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at 4 Beauval Road from undue overlooking in accordance with Saved Policy 3.2 'Protection of Amenity' Southwark Plan (2007) and Strategic Policy 13 High environmental standards of the Core Strategy 2011.

LAND ADJACENT TO 379 UPLAND RD, LONDON, SE22 0DR

Ordnance Survey

Date 5/10/2011



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Item No. 6.2	Classification: Open	Date: 17 October 2011	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 11-AP-1735 for: Renewal of unimplemented permission Address: LAND ADJACENT TO 379 UPLAND ROAD, LONDON, SE22 0DR Proposal: Renewal of planning permission 05-AP-1380 granted on appeal on 4 June 2006 for: Residential development consisting of six self contained two bedroom flats, proposing lift access to all floors and underground/lower ground floor off street parking.		
Ward(s) or groups affected:	College		
From:	Head of Development Management		
Application Start Date 27 May 2011		Application Expiry Date 22 July 2011	

RECOMMENDATION

- 1 Approval of outline planning permission, were the council in a position to determine the application.

BACKGROUND INFORMATION

- 2 This application was called in by Members for consideration at Dulwich Community Council. However, the applicants have since lodged a non determination appeal with the Planning Inspectorate.

Site location and description

- 3 The site situated on the eastern side of Upland Road in the College area of the borough. The land is currently vacant and it is understood to have previously formed the garden of 379 Upland Road. The site is 17m wide and has a depth of 26m.
- 4 There are several mature trees on the site including one with a TPO located on the site frontage. The land slopes towards the street and is adjoined on all other sides by residential gardens.
- 5 The area is characterised by a wide variety of residential properties some of which are set in substantial plots of land. There is a two storey terrace development on the western side and a three storey with basement development on the eastern side. A two/three storey flatted development is located behind the application site fronting Mount Adon Park Road.
- 6 The site is not located in a Conservation Area or in proximity to any listed buildings.

Details of proposal

- 7 This application seeks to renew outline planning permission for the redevelopment of the site for a residential development of 6 flats over three floors each containing two bedrooms, with proposed lift access and underground car parking. The application seeks to gain approval in respect of access and siting of the building with all other matters reserved.

Planning history

- 8 05-AP-1380

Outline planning application for residential development of 6 flats on ground to second floors with associated underground car parking. Allowed on appeal following non-determination APP/A5840/A/06/2007122 - 5 July 2006.

- 9 07-AP-1597

Reserved Matters application for design and external appearance and landscaping following Outline Planning Permission dated 5th June 2006 (05-AP-1380) for a development comprising a block of 6 flats on basement, ground, first and second floors and Approval of Details for condition 5 (details of refuse storage), condition 6 (details of cycle storage), condition 7 (details of site enclosure), condition 9 (building height), condition 10 (car parking) and condition 11 (tree protection measures for existing pine tree). Permission granted under delegated powers 6/12/2007.

- 10 08-AP-0563

Erection of a 4 storey building to accommodate 8 units, basement level to accommodate 5 car parking spaces with a further 2 spaces on the front forecourt, 8 cycle parking spaces to be located in shed in rear garden and vehicle access from Upland Road. Planning permission refused on appeal APP/A5840/A/09/2098244 - 15 June 2009. The Inspector felt that the proposal which raised the height marginally in relation to the approved scheme did not relate well to no. 369, in respect of the resulting bulk and mismatched eaves.

- 11 10-AP-336

Details of soil survey and investigation for the discharge of condition 8 of the planning permission 05-AP-1380.

Planning history of adjoining sites

- 12 369 Upland Road - Planning permission was granted on 9/9/1997 for conversion of disused lower ground floor flat into a one bedroom flat.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 13 The main issues to be considered in respect of this application are:
- a) the principle of the development in terms of land use and conformity with strategic policies.
 - b) the impact upon the amenity of adjoining occupiers.

- c) the design of the proposal.
- d) the impact upon traffic in the area.

Planning policy

Core Strategy 2011

- 14 Strategic Policy 1 Sustainable Development
- Strategic Policy 2 Sustainable Transport
- Strategic Policy 5 Providing New Homes
- Strategic Policy 11 Open Spaces and Wildlife
- Strategic Policy 12 Design and Conservation
- Strategic Policy 13 High Environmental Standards

Southwark Plan 2007 (July) - saved policies

- 15 3.2 Protection of Amenity
- 3.7 Waste Reduction
- 3.9 Water
- 3.11 Efficient use of Land
- 3.12 Quality in Design
- 3.13 Urban Design
- 3.14 Designing out Crime
- 4.2 Quality of Residential Accommodation
- 4.3 Mix of Dwellings
- 5.3 Walking and Cycling
- 5.6 Car Parking
- 16 Draft Dulwich SPD
- Residential Design Guidance SPD (Draft 2011)
- Sustainable construction and design SPD

London Plan 2011

- 17 Policy 1.1 Delivering the strategic vision and objectives for London
- Policy 3.3 Increasing housing supply
- Policy 3.4 Optimising housing potential
- Policy 3.5 Quality and design of housing developments
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.5 Public realm
- Policy 7.18 Protecting local open space and addressing local deficiency
- Policy 7.19 Biodiversity and access to nature

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

- 18 PPS1 Delivering Sustainable Development
 PPS 3 Housing (2011)
 Ministerial Statement 'Planning for Growth' (2011)
 DCLG 'Greater Flexibility for Planning Permissions' (2009)

Principle of development

- 19 The Government Department for Communities and Local Government released guidance (Greater Flexibility for Planning Permissions) in 2009 to assist Local Planning Authorities (LPA) in the determination of renewal applications. The guidance explains that the LPA retains jurisdiction to determine an application for an extension of time, even if the original permission has expired after the application was made but before its determination.
- 20 The guidance also explains that LPAs should take a positive and constructive approach towards renewal applications, which may improve the prospect of sustainable development being taken forward quickly. In determining such applications, the focus should be on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the grant of permission.
- 21 The guidance also confirms that LPAs may refuse applications to extend the time limit for permissions where changes in the development plan or other relevant material considerations indicate the proposal should no longer be treated favourably.
- 22 The Ministerial Statement 'Planning for Growth' explains the Government's clear expectation that the answer to development and growth should wherever possible be 'yes' except where this would compromise the key sustainable development principles set out in national policy.
- 23 PPS 3 is also relevant in this instance. A key land use issue with the determination of this application is that of building on gardens, referred to as "garden grabbing". Recent changes in government policy (PPS3 Housing) set out that private gardens, shall be removed from the brownfield definition. However, this is not at the same time conferring particular protection of this land, for example in the same way that Borough Open Land or Metropolitan Open Land is protected. It means that gardens are not classified as 'previously developed land'. The development of such areas will not contribute to the target set by the Government which is that at least 60% of development occurs on brownfield land, which means that development of housing on gardens cannot be used to contribute towards Government targets. In Southwark, housing targets are generally being met and the Council does not rely on gardens being developed in order to meet housing targets, unlike the case in a number of other parts of the country where development of gardens has been relied upon in order to meet housing delivery targets. Given the limited number of back garden developments applied for in Southwark, development on gardens would be unlikely approach the 40% limit for non brownfield, or greenfield, development. It is not considered that the fact that back gardens are no longer 'brownfield' may in itself be used as a reason for refusal. Rather, regard still needs to be had to the site specific assessment of impacts in terms of matters such as the character of residential neighbourhoods, quality of residential accommodation, design, amenity, and transport. The circumstances are slightly different from true 'garden grabbing' in that the site has existed as a separate plot of land from original dwelling for some time and has been subject to previous planning decisions granting planning permission for residential development. Notwithstanding, the advice of PPS3 has been treated as a material consideration.
- 24

- 25 The Draft Dulwich Supplementary Planning Document does state that Dulwich is not a suitable area for backland development due to its character, and such development is considered harmful. The land was originally the former garden of no. 369, which together with nos 361-369 had the unusual situation of the main garden areas to the side of the dwelling. This was then separated and used as part of the garden of no. 379 (according to historic maps from around 1977), before being sold as a separate plot. The site has a substantial road frontage untypical for a backland site, and the question of harm is to some degree dealt with in the Inspector's assessment of the original decision.
- 26 "...The footprint of the proposed development against the size of the plot is not dissimilar to others I observed in the area and, in my view, the spaces that would be left between the buildings would retain the characteristic feel of this section of the road..."
- 27 In the current circumstance and given the recent planning history, weighing the pressure for new housing development against the desire to retain garden plots, it is unlikely another Inspector would take a different view. On balance, therefore the principle of residential use in this location is acceptable. However the policy environment is subject to change and it is necessary to ensure that the proposal is compliant with all relevant policies within the adopted Core Strategy as well as saved Southwark Plan Policies.

Environmental impact assessment

- 28 Not required for a development of this type. No significant environmental impacts would arise.

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

- 29 Mount Adon Park

The land rises from the rear of the application site to the rear of these properties, and the development would leave sufficient space between residential windows to maintain levels of privacy between the existing and future residents. This was agreed by both planning Inspectors in the previous appeal decisions.

- 30 369 and 379 Upland Road

There are a number of windows on the flank elevation of these properties close to the boundary of the application site. The majority of these windows are towards the rear. In assessing the impact of the outline consent upon this building, the Inspector stated;

- 31 "... the overall impact of the proposed siting would not significantly harm the living conditions of the residents of no. 369. Most of the windows would keep their relatively open aspect over the appeal site's proposed rear amenity area. Due to the separation of the buildings and the intervening pitched roof, there would also be little impact on the flank wall windows of no. 379."
- 32 It is acknowledged that whilst the original application was considered under the former Southwark UDP and the Draft Southwark Plan, the policies referred to have largely been carried through as saved Southwark Plan policies and the Core Strategy 2011. As such there are no policies that would guide to reach another conclusion on the assessment of the impacts of this on neighbouring residents.

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

- 33 The surrounding area is residential and the use of the land for residential purposes is considered acceptable.

Traffic issues

- 34 **Car parking**
The proposal should not give rise to any overspill parking as it is proposed to provide a parking space for each unit. This is in line with Saved Policy 5.6 Car Parking which sets a maximum level for parking of 1.5 within a low Ptal area.

- 35 **Cycle storage**
The proposal would require the provision of 7 secure cycle stands in line with Saved Policy 5.3 Walking and cycling. This could be secured as before by way of condition, it is noted that the approval of reserved matters application included provision for 6 cycles, and it would not be considered unreasonable to have the additional space provided by requesting the details be submitted.

- 36 **Waste**
The waste receptacles would be located to the front of the property. It is considered that the area as detailed within the reserved matters application adequately dealt with this issue and a condition allowing the applicant to revert to those details as shown on that permission or otherwise approved should adequately deal with this matter.

Design issues

- 37 This application is for the renewal of an outline consent, establishing a building of three storeys with its position and access agreed; however it is noted that the design and external appearance was subject to condition. The condition which dealt with the design and external appearance was submitted as a reserved matter and approved in 2007. As with other matters judged to be acceptable it is suggested that the reserved matters condition allowing the applicant to revert to those details as shown on that permission or to resubmit further details should be applied to any planning permission.

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

- 38 The proposal will have no impact on any listed building or conservation area.

Impact on trees

- 39 The landscaping arrangement for the proposed development was included in the details discharged in 2007. As with other matters judged to be acceptable it is suggested that the reserved matters condition allowing the applicant to revert to those details as shown on that permission or to resubmit further details should be applied to any planning permission. Existing trees that are retained as part of this development would be protected by condition for protection measures to be put in place during the course of construction.

Planning obligations (S.106 undertaking or agreement)

- 40 The proposal is below the threshold in respect of Section 106 contributions.

Sustainable development implications

- 41 The principle of the redevelopment of the site for residential use would promote a sustainable use of a vacant plot of land, in line with recent Government guidance. Additional conditions are suggested to improve the energy efficiency of the proposed new building in line with updated policies and guidance.

Other matters

- 42 **Density**
The site lies within the suburban density area with a range of 200 to 350 hrph (habitable rooms per hectare). The proposed density is 370 hrph and thus exceeds the range, however this was the case in the previous application, and was cited as a reason for refusal. Notwithstanding, the view taken by the Inspector was that there was no resulting harm from the higher density and he did not accept this as a reason for refusal. It is not considered that a reason for refusal around density could be sustained, and could potentially leave the Council open to an award of costs.

Conclusion on planning issues

- 43 This application is for the renewal of a former outline permission granted on appeal in 2006. All but one of the conditions imposed by the Planning Inspectorate have been formally discharged in December 2007. It is acknowledged that there have been changes in both national and local policy and guidance in respect of development on previously undeveloped land. This together with the previous planning decisions on the site have been considered and it is concluded that there remains insufficient justification to withhold permission. Subject to conditions it is recommended that had the application remained for determination by the Council, it would be minded to grant outline planning permission.

Community impact statement

- 44 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.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as above

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications can be dealt with via conditions.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 47 Two letters of objection have been received to the application raising the following issues;
- 48 This development represents garden development as defined within PPS3 (June 2011 Annex B) and should be included in the policy objectives of PPS3 concerning land on previously developed sites.
- 49 The development is now contrary to the London Plan Interim Housing Supplementary Planning Guidance (April 2010) and London Plan Policies 3A.1 and 3A.2.
- 50 The proposal does not increase the quality and supply of affordable housing nor does it reuse previously developed land.
- 51 The proposal does not provide larger homes as required by Southwark housing needs.
- 52 The proposal would not comply with the density required for this area and represents an overdevelopment of this site which has poor access to local transport.
- 53 Contrary to Dulwich SPD 3.8 Backland development.
- 54 Loss of light and outlook to windows on the side of no. 369 contrary to the view taken by the Planning Inspector.
- 55 Overdevelopment of the site, the proposed development is considerably larger than the surrounding properties.
- 56 Noise pollution, the development is close to the front boundary fence with 369 and the living rooms will be close to existing bedrooms (3.8m). Further noise from the underground car park will cause disturbance to the dwellings on the western side of no. 369.

Human rights implications

- 57 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 58 This application has the legitimate aim of providing new residential development. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

- 59 N/A.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2567-379 Application file: 11-AP-1735 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Sonia Watson, Senior Planning Officer	
Version	Final	
Dated	26 September 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment	No	No
Date final report sent to Constitutional Team		5 October 2011

Consultation undertaken

Site notice date: 21/06/2011

Press notice date: n/a

Case officer site visit date: 21/06/2011

Neighbour consultation letters sent: 16/06/2011

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

31 MOUNT ADON PARK LONDON SE22 0DS
33 MOUNT ADON PARK LONDON SE22 0DS
21 MOUNT ADON PARK LONDON SE22 0DS
17 MOUNT ADON PARK LONDON SE22 0DS
23 MOUNT ADON PARK LONDON SE22 0DS
29B MOUNT ADON PARK LONDON SE22 0DS
27 MOUNT ADON PARK LONDON SE22 0DS
FLAT 4 369 UPLAND ROAD LONDON SE22 0DR
29A MOUNT ADON PARK LONDON SE22 0DS
29C MOUNT ADON PARK LONDON SE22 0DS
FLAT 5 369 UPLAND ROAD LONDON SE22 0DR
FLAT 2 369 UPLAND ROAD LONDON SE22 0DR
FLAT 3 369 UPLAND ROAD LONDON SE22 0DR
FLAT 1 27 MOUNT ADON PARK LONDON SE22 0DS
367 UPLAND ROAD LONDON SE22 0DR
379 UPLAND ROAD LONDON SE22 0DR
FLAT 1 369 UPLAND ROAD LONDON SE22 0DR
FLAT 5 27 MOUNT ADON PARK LONDON SE22 0DS
25 MOUNT ADON PARK LONDON SE22 0DS
15 MOUNT ADON PARK LONDON SE22 0DS
FLAT 2 27 MOUNT ADON PARK LONDON SE22 0DS
FLAT 3 27 MOUNT ADON PARK LONDON SE22 0DS
FLAT 4 27 MOUNT ADON PARK LONDON SE22 0DS

Re-consultation:

None

Consultation responses received

Internal services

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Flat 3 369 Upland Road - Objects, Loss of light and outlook to windows on the side of no. 369 contrary to the view taken by the Planning Inspector.

Overdevelopment of the site, the proposed development is considerably larger than the surrounding properties.

Noise pollution, the development is close to the front boundary fence with 369 and the living rooms will be close to existing bedrooms (3.8m). Further noise from the underground car park will cause disturbance to the dwellings on the western side of no. 369.

25 Mount Adon Park - Objects. This development represents garden development as defined within PPS3 (June 2011 Annex B) and should be included in the policy objectives of PPS3 concerning land on previously developed sites.

The development is now contrary to the London Plan Interim Housing Supplementary Planning Guidance (April 2010) and London Plan Policies 3A.1 and 3A.2.

The proposal does not increase the quality and supply of affordable housing nor does it reuse previously developed land.

The proposal does not provide larger homes as required by Southwark housing needs.

The proposal would not comply with the density required for this area and represents an overdevelopment of this site which has poor access to local transport.

Contrary to Dulwich SPD 3.8 Backland development.

RECOMMENDATION LDD MONITORING FORM REQUIRED

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	Ladybrand Trading	Reg. Number	11-AP-1735
Application Type	Renewal of unimplemented permission	Case	TP/2567-379
Recommendation	Grant permission	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Renewal of planning permission 05-AP-1380 granted on appeal on 4 June 2006 for: Residential development consisting of six self contained two bedroom flats, proposing lift access to all floors and underground/lower ground floor off street parking.

At: LAND ADJACENT TO 379 UPLAND ROAD, LONDON, SE22 0DR

In accordance with application received on 27/05/2011

The applicant has appealed to the Secretary of State against the failure of the Council to issue a decision.

Reasons for granting permission.

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

a] Saved Policies 3.1 (Environmental effects) seeks to ensure there will be no material adverse effect on the environment and quality of life resulting from new development. 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity. Policy 3.4 (Energy Efficiency) advises that development should be designed to maximise energy efficiency. Policy 3.7 (Waste reduction) states that all developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities, and in relation to major developments this will include addressing how the waste management hierarchy will be applied during construction and after the development is completed. Policy 3.9 (Water) seeks to ensure that all developments should incorporate measures to reduce the demand for water, recycle grey water and rainwater, and address surface run off issues, and have regard to prevention of increase in flooding and water pollution. Policy 3.11 (Efficient Use of Land) seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoids compromising development potential of adjoining sites, making adequate provision for access, circulation and servicing, and matching development to availability of infrastructure. Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design. Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments. Policy 3.14 (Designing out Crime) seeks to ensure that development in both the private and public realm is designed to improve community safety and crime prevention of the Southwark Plan [July 2007].

b] Core Strategy 2011 Strategic Policy 1 Sustainable Development which requires developments to improve the places we live in and work in and enable a better quality of life for Southwark's diverse population. Strategic Policy 2 Sustainable Development which seeks to encourage walking, cycling and the use of public transport rather than travel by car. Strategic Policy 5 Providing New Homes requires that developments meet the housing needs of people by providing high quality new homes in attractive environments, particularly in growth areas. Strategic Policy 11 Open Spaces and Wildlife protects important open spaces, trees and woodland from inappropriate development. Strategic Policy 12 Design and Conservation which requires the highest possible standards of design for buildings and public spaces. Strategic Policy 13 High Environmental Standards which requires developments to meet the highest possible environmental standards.

c] London Plan 2011 Policy 1.1 Delivering the strategic vision and objectives for London Policy 3.3 Increasing housing supply Policy 3.4 Optimising housing potential Policy 3.5 Quality and design of housing developments Policy 5.2 Minimising carbon dioxide emissions Policy 5.3 Sustainable design and construction Policy 6.9 Cycling Policy 6.10 Walking Policy 6.13 Parking Policy 7.1 Building London's neighbourhoods and communities Policy 7.3 Designing out crime Policy 7.4 Local character Policy 7.5 Public realm Policy 7.18 Protecting local open space and addressing

local deficiency Policy 7.19 Biodiversity and access to nature

d] Planning Policy Statements [PPS] and Guidance Notes [PPG] PPS1 Delivering Sustainable Development, PPS3 Housing, PPS23 Planning and Pollution Control.

Particular regard was had to the principle of the proposed residential use but it was considered that taken account of recent Government, Regional and Local Guidance and recent planning decisions on balance this was a good use for a site which had direct access to a road and would provide new residential development. The impacts on neighbouring amenity and transport conditions were assessed and were considered acceptable. It was therefore considered appropriate to grant renewal of outline planning permission having regard to the policies considered and other material planning considerations

Subject to the following condition:

- 1 Unless implemented as approved under application reference 07-AP-1597 dated 6/12/2007, details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority within three years of the date of this permission and the development hereby permitted shall be begun either before the end of five years from the date of this permission or before the end of two years from the date of the approval of the last of the reserved matters, whichever is the later, and thereafter the development shall not be carried out otherwise than in accordance with this permission and any such approvals given.

Reason

As required by Section 92 of the Town and Country Planning Act 1990.

- 2 Unless implemented as approved under planning application reference 07/AP/1597 dated 06/12/2007, prior to first occupation details of the arrangements for the storing of domestic refuse shall be submitted to and approved in writing by the Local Planning Authority and the facilities approved shall be provided and made available for use by the occupiers of the dwellings and the facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Saved Policies 3.2 Protection of Amenity and 3.7 Waste Reduction of The Southwark Plan 2007 and Strategic Policy 13 High environmental standards of the Core Strategy 2011.

- 3 Before the any work hereby authorised begins, details (1:50 scale drawings) of the facilities to be provided for the secure storage of at least 7 cycles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Strategic Policy 2 - Strategic Transport of The Core Strategy 2011 and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 4 Unless implemented as approved under application reference 07-AP-1697 dated 06/12/2007, details of the means of enclosure for all site boundaries shall be submitted to and approved by the local planning authority and the development shall not be carried out otherwise than in accordance with any approval given. The development hereby permitted shall not be occupied until the works approved pursuant to this condition have been carried out.

Reason

In the interests of visual and residential amenity in accordance with Strategic Policy 12 – Design and conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007.

- 5 Details of a survey and investigation of the soil conditions of the site (2 copies), sufficient to identify the nature and extent of any soil contamination, together with a schedule of the methods by which it is proposed to neutralise, seal, or remove the contaminating substances, shall be submitted to and approved by the Local

Planning Authority and thereafter shall be carried out before any works in connection with this permission are begun.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Strategic Policy 13 High environmental standards of the Core Strategy 2011 and Saved Policy 3.1 Environmental effects of the Southwark Plan 2007 and PPS 23 Planning and Pollution Control.

- 6 The height of the proposed building shall be no higher than the adjacent building at 369 Upland Road.

Reason

In order that the scale of the proposed building is appropriate to its location and to protect the visual amenities of the surrounding residential properties in accordance with Strategic Policy 12 Design and conservation of the Core Strategy 2011 and Saved Policy 3.2 Protection of amenity of the Southwark Plan 2007.

- 7 Prior to occupation of the development, the basement parking facilities shown on the approved plans shall be constructed for the sole use of occupiers of the proposed development and thereafter permanently retained and used for no other purpose for as long as the development is occupied.

Reason

To ensure that adequate facilities are provided in accordance with the standards set out in Strategic Policy 2 Sustainable transport of the Core Strategy 2011 and Saved Policy 5.6 Car Parking of the Southwark Plan 2007.

- 8 Unless implemented as approved under application 07-AP-1597 dated 06/12/2007, details of the means by which the existing pine tree on the site is to be protected from damage by vehicles, stored or stacked building supplies, waste or other materials, and building plant or other equipment shall be submitted to and approved by the Local Planning Authority before any work is begun, and such protection shall be installed and retained throughout the period of the works.

Reason

In the interests of preserving the health of the tree and to maintain the visual amenity of the site, in accordance with Strategic Policy 11 – Open spaces and wildlife of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

- 9 Before the first occupation of the building hereby approved details of facilities for the composting of organic waste and the collection of rainwater for recycling shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise in accordance with any such approval given.

Reason

To encourage household recycling and the reduction of household waste and water consumption in accordance with Strategic Policy 13 High environmental standards of the Core Strategy 2011 and Saved Policies 3.7 Waste Reduction and 3.9 Water of The Southwark Plan 2007.

325 UNDERHILL ROAD, LONSON, SE22 9EA

Ordnance Survey

Date 5/10/2011



Agenda Item 6.3

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Item No. 6.3	Classification: Open	Date: 17 October 2011	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 10-AP-2071 for: Advertisement Consent Address: 325 UNDERHILL ROAD, LONDON, SE22 9EA Proposal: Installation of 6 No. fascia signs to shop fronts and associated swan neck lights - properties 321, 323, 325, 327 and 329 Underhill Road and 135 Hindmans Road.		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date 3 September 2010		Application Expiry Date 29 October 2010	

RECOMMENDATION

- 1 To grant Advertisement Consent with conditions.

BACKGROUND INFORMATION

Site location and description

- 2 This application is referred to Dulwich Community Council owing to the objection received on a council's own case. The application site relates to the ground floor units of a shopping parade on Underhill Road, which comprises 5 shops (a mix of A1, A2 and A5 Classes). One corner shop situated to the north-west of this parade (Class A1) is also part of this application site (No. 135 Hindmans Road). Residential properties are located above the shops.
- 3 The application also relates to the forecourt immediately outside of the shops. This forecourt area is 6.5m deep from the front building line to the edge of the pavement and currently consist of low garden walls and fences between some of the units.
- 4 The application site is within the Suburban Density Zone and an Air Quality Management Area.

The buildings are not listed and are not within a Conservation Area.

Details of proposal

- 5 It is proposed to remove the existing fascia signs and reinstall with timber fascia signs. The timber fascia zone (and the new shopfront) is assessed under the separate full planning application 10-AP-2152. The new non-illuminated signage would comprise individual aluminium lettering on the timber fascia and would be lit by swan neck lights above. It would state the name or trade of the business, street number and/or other trading information.
- 6 This is part of the project to repair or replace the existing shopfronts where necessary.

This is part of the 'Improving Local Retail Environment' (ILRE) project, which is a 3 year, £4.5million project aimed at improving the physical environment of some of Southwark's local retail parades. The primary objectives are to improve local trader environments outside the major town centres and to improve, retain and attract new businesses and increase commercial activity.

Planning history

- 7 There is some planning history for the individual shops along this parade, which relates to the changes of use, operation hours and some new shopfronts. However, these are not relevant to this particular case as the individual new shopfronts would not have any bearing on the assessment of this group of shops.

Planning history of adjoining sites

- 8 Planning permission was granted in 2000 (ref 00-AP-1521) at No. 331 Underhill Road for the change of use of vacant ground floor retail premises to create a one bed flat and creation of new entrance to existing first floor flat from rear to front.
- 9 Planning permission was granted in 2002 (ref 02-AP-0451) at No. 333 Underhill Road for the conversion of ground floor shop unit to provide a self contained flat together with alterations to the front elevation.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 10 The main issues to be considered in respect of this application are:
- a) Amenity
 - b) Public Safety

Planning policy

Core Strategy 2011

- 11 Strategic Policy 12 Design and Conservation
Strategic Policy 13 High Environmental Standards

Southwark Plan 2007 (July) - saved policies

- 12 3.23 Outdoor Advertisement and Signage

London Plan 2011

- 13 N/A

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

- 14 PPG 19 'Outdoor Advertisement Control'

Amenity

- 15 The existing shop fronts do not currently have consistent signage design. They currently differ in colour, size and materials. The proposal to provide a consistent set of fascia and projecting signs along the parade is an improvement to this streetscape.

- 16 The use of matching colours for shop fronts and signage is considered acceptable as there would still be variation along this parade, allowing expression of individual identity/branding. The signage lighting in the form of swan neck lights (mounted on the fascia panel) is designed to reflect only onto the signs. It is not considered it would cause excessive overspill of light to create nuisance to the residents above.
- 17 The letterings on the sign are well proportioned and the removal of the projecting sign at 125 Hindmans Road would reduce visual clutter.
- 18 A letter received from one of the tenants at No. 325 was in favour of the proposal but wished that there was no change to the fascia or remove the block paving in front as a new illuminated sign had already been recently installed. This would appear to be a personal/private view regarding their own company sign and is not considered to raise any planning objections. This would be a matter between the tenant and the Landlord.
- 19 Each lantern (3 per unit, 5 on the corner unit) would use a 100 watt bulb, which is considered excessive. The agent has agreed to a condition restricting the wattage to 60 for each lantern. It is further considered that given the residential location the illumination should be conditioned to be switched off by 11pm every night.
- 20 The proposal therefore complies with saved Policies 3.23 of The Southwark Plan 2007 and Strategic Policy 12 of The Core Strategy 2011.

Public Safety

- 21 The proposal is not considered to have any significant adverse impacts on traffic within the area. It would not have any impact on visibility sightlines or traffic safety as this is set back from the vehicular highway. The Transport Planning Team does not raise any objections.
- 22 The proposal is therefore in accordance with clause ii of saved Policy 3.23 which states that advertisements should not obscure highway sightlines and should allow free movement along the public highway.

Conclusion on planning issues

- 23 The proposal is considered acceptable in terms of amenity and public safety. It is therefore recommended for approval.

Community impact statement

- 24 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.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: No issues.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 27 One letter of response has been received from the tenant at No. 325 in favour of some of the improvements. However, the tenant had made it clear to the Applicant (The Council is the Landlord and Applicant) that they do not wish to alter the fascia at the front of the office having just installed a new illuminated sign and did not want to remove the block paving that was fitted in the design of their company logo. The tenant has no objections to the removal of the iron railings to the front or the installation of double glazed units.

Human rights implications

- 28 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

This application has the legitimate aim of providing outdoor advertisement. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/ADV/2561-325 Application file: 10-AP-2071 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5460 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Wing Lau, Planning Officer	
Version	Final	
Dated	7 September 2011	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment	No	No
Date final report sent to Constitutional Team		5 October 2011

Consultation undertaken

Site notice date: 09.09.2010

Press notice date: None

Case officer site visit date: 09.09.2010

Neighbour consultation letters sent: 13.09.2010

Internal services consulted:

Transport Planning Team

Statutory and non-statutory organisations consulted:
None

Neighbours and local groups consulted:

317 UNDERHILL ROAD LONDON SE22 9EA
 315 UNDERHILL ROAD LONDON SE22 9EA
 323 UNDERHILL ROAD LONDON SE22 9EA
 329 UNDERHILL ROAD LONDON SE22 9EA
 327 UNDERHILL ROAD LONDON SE22 9EA
 325 UNDERHILL ROAD LONDON SE22 9EA
 303 UNDERHILL ROAD LONDON SE22 9EA
 124A BARRY ROAD LONDON SE22 0HP
 305 UNDERHILL ROAD LONDON SE22 9EA
 311 UNDERHILL ROAD LONDON SE22 9EA
 309 UNDERHILL ROAD LONDON SE22 9EA
 307 UNDERHILL ROAD LONDON SE22 9EA
 335 UNDERHILL ROAD LONDON SE22 9EA
 313 UNDERHILL ROAD LONDON SE22 9EA
 321 UNDERHILL ROAD LONDON SE22 9EA
 313A UNDERHILL ROAD LONDON SE22 9EA
 BASEMENT FLAT 133 HINDMANS ROAD LONDON SE22 9NH
 FLAT 135 HINDMANS ROAD LONDON SE22 9NH
 311A UNDERHILL ROAD LONDON SE22 9EA
 135 HINDMANS ROAD LONDON SE22 9NH
 131 HINDMANS ROAD LONDON SE22 9NH
 331 UNDERHILL ROAD LONDON SE22 9EA
 144 HINDMANS ROAD LONDON SE22 9NH
 180 LANDELLS ROAD LONDON SE22 9PP
 77 DARRELL ROAD LONDON SE22 9NJ
 146 HINDMANS ROAD LONDON SE22 9NH
 GROUND FLOOR 325 UNDERHILL ROAD LONDON SE22 9EA
 FIRST FLOOR AND SECOND FLOOR FLAT 283 UNDERHILL ROAD LONDON SE22 0AN
 325A UNDERHILL ROAD LONDON SE22 9EA
 GROUND FLOOR AND FIRST FLOOR FLAT 133 HINDMANS ROAD LONDON SE22 9NH
 FIRST FLOOR FLAT 321 UNDERHILL ROAD LONDON SE22 9EA
 333B UNDERHILL ROAD LONDON SE22 9EA
 333A UNDERHILL ROAD LONDON SE22 9EA
 335A UNDERHILL ROAD LONDON SE22 9EA
 331A UNDERHILL ROAD LONDON SE22 9EA
 319A UNDERHILL ROAD LONDON SE22 9EA
 319B UNDERHILL ROAD LONDON SE22 9EA
 FLAT 1 HILLCREST HOUSE 230-232 UNDERHILL ROAD LONDON SE22 9ED
 FLAT F 126 BARRY ROAD LONDON SE22 0HP
 FLAT 2 HILLCREST HOUSE 230-232 UNDERHILL ROAD LONDON SE22 9ED
 124D BARRY ROAD LONDON SE22 0HP
 124C BARRY ROAD LONDON SE22 0HP
 124B BARRY ROAD LONDON SE22 0HP
 FLAT A 126 BARRY ROAD LONDON SE22 0HP
 GROUND FLOOR FLAT 321 UNDERHILL ROAD LONDON SE22 9EA
 FLAT B 126 BARRY ROAD LONDON SE22 0HP
 FLAT E 126 BARRY ROAD LONDON SE22 0HP
 FLAT D 126 BARRY ROAD LONDON SE22 0HP
 FLAT C 126 BARRY ROAD LONDON SE22 0HP

Re-consultation:

None

Consultation responses received

Internal services

Transport Planning Team - The proposal will not generate a significant negative impact on the performance and safety of the surrounding highway network.

Statutory and non-statutory organisations

None.

Neighbours and local groups

One letter of response has been received from the tenant at No. 325 in favour of some of the improvements. However, the tenant had made it clear to the Applicant (The Council is the Landlord and Applicant) that they do not wish to alter the fascia at the front of the office having just installed a new illuminated sign and did not want to remove the block paving that was fitted in the design of their company logo. The tenant has no objections to the removal of the iron railings to the front or the installation of double glazed units.

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	Shearings Holidays	Reg. Number	10-AP-2071
Application Type	Advertisement Consent	Case Number	TP/ADV/2561-325
Recommendation	Grant permission		

Draft of Decision Notice

EXPRESS CONSENT has been granted for the advertisement described as follows:

Installation of 6 No. fascia signs to shop fronts and associated swan neck lights - properties 321, 323, 325, 327 and 329 Underhill Road and 135 Hindmans Road.

At: 325 UNDERHILL ROAD, LONDON, SE22 9EA

**In accordance with application received on 20/07/2010 08:03:49
and revisions/amendments received on 19/08/2010**

and Applicant's Drawing Nos. PM362-UNDR-100 Rev 01, PM362-UNDR-101 Rev 01, PM362-UNDR -201 Rev 03, PM362-UNDR-300 Rev 01

Subject to the following condition:

- 1 Consent is granted for a period of 5 years and is subject to the following standard conditions:
1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 2. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for the measuring of the speed of any vehicle.
 3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason:

In the interests of amenity and public safety as required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended.

- 2 The illumination for the fascia signage hereby approved shall use a maximum bulb of 60 watts or equivalent and shall be switched off by 23:00 hours everyday.

Reason

In order to reduce energy consumption and potential disturbance from artificial light to nearby residents, in accordance with Strategic Policy 13 High environmental design of the Core Strategy 2011 and Saved policy 3.2 Protection of Amenity of the Southwark Plan 2007 and paragraph 4.2 of the Sustainable Design and Construction Supplementary Planning Document September 2007.

Agenda Item 6.4

Item No. 6.4	Classification: Open	Date: 17 October 2011	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 10-AP-2152 for: Full Planning Permission Address: 325 UNDERHILL ROAD, LONDON, SE22 9EA Proposal: Replace 6 shop fronts with new timber double glazed units, new paving to front of shops and installation of 4 new seating planters. Demolish a section of existing garden wall; rendering, capping & decorating the remaining garden walls. Other refurbishment works to external fittings. Properties: 321, 323, 325, 327 and 329 Underhill Road and 135 Hindmans Road.		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date 3 September 2010		Application Expiry Date 29 October 2010	

RECOMMENDATION

- 1 To grant planning permission with conditions.

BACKGROUND INFORMATION

Site location and description

- 2 This application is referred to Dulwich Community Council owing to the objection received on a Council's Own case. The application site relates to the ground floor units of a shopping parade on Underhill Road, which comprises 5 shops (a mix of A1, A2 and A5 Classes). One corner shop situated to the north-west of this parade (Class A1) is also part of this application site (No. 135 Hindmans Road). Residential properties are located above the shops.
- 3

- 4 The application also relates to the forecourt immediately outside of the shops. This forecourt area is 6.5m deep from the front building line to the edge of the pavement and currently consist of low garden walls and fences between some of the units.

- 5 The application site is within the Suburban Density Zone and an Air Quality Management Area.

The building is not listed and is not within a Conservation Area.

Details of proposal

- 6 It is proposed to repair or replace the existing shopfronts where necessary. This is part of the 'Improving Local Retail Environment' (ILRE) project, which is a 3 year, £4.5million project aimed at improving the physical environment of some of Southwark's local retail parades. The primary objectives are to improve local trader environments outside the major town centres and to improve, retain and attract new businesses and increase commercial activity.

- 7 Most of the shopfronts would be removed and replaced with new timber painted shopfronts. Nos. 321, 325, 327 and 329 Underhill Road would have new shopfronts, with No. 321 having the front entrance door relocated to the centre. The shopfront at No. 325 would be retained but re-painted. No. 135 Hindmans Road would have its existing aluminium shopfront replaced with a new timber scheme.
- 8 A new timber fascia zone would be provided for each shopfront and all will have consistent 'spandrel' detail. New swan Neck lights are to be installed to illuminate the advertisement signage (assessed under separate application).
- 9 Matching colours are proposed to the shop units, doors and fascia zones, but would be varied across the parade.
- 10 **Other works**
- 11 It is proposed to install new paving to front of shops and install 4 new seating planters. A section of the existing garden wall in the forecourt (between No. 325 and 327) would be demolished and the other existing low level walls would be rendered, capped and decorated.
- 12 An application for new advertisement signage has also been submitted and is concurrently being considered under ref 10-AP-2071.

Planning history

- 13 There is some planning history for the individual shops along this parade, which relates to the changes of use, operation hours and some new shopfronts. However, these are not relevant to this particular case as the individual new shopfronts would not have any bearing on the assessment of this group of shops.

Planning history of adjoining sites

- 14 Planning permission was granted in 2000 (ref 00-AP-1521) at No. 331 Underhill Road for the change of use of vacant ground floor retail premises to create a one bed flat and creation of new entrance to existing first floor flat from rear to front.
- 15 Planning permission was granted in 2002 (ref 02-AP-0451) at No. 333 Underhill Road for the conversion of ground floor shop unit to provide a self contained flat together with alterations to the front elevation.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 16 The main issues to be considered in respect of this application are:
- a) Impact of proposed development on amenity of adjoining occupiers and surrounding area
 - b) Impact of proposed development on the character and appearance of the building and surrounding area
 - c) Public safety

Planning policy

Core Strategy 2011

- 17 Strategic Policy 10 Jobs and Businesses
Strategic Policy 12 Design and Conservation
Strategic Policy 13 High Environmental Standards

Southwark Plan 2007 (July) - saved policies

- 18 Policy 3.2 - Protection of Amenity
Policy 3.12 - Quality in Design
Policy 3.13 - Urban Design
Policy 3.14 - Designing out Crime

London Plan 2011

- 19 7.3 Designing out crime
7.4 Local character
7.5 Public realm

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

- 20 PPS 1 Delivering Sustainable Development

Principle of development

- 21 The principle of removing fascia signs and shopfronts to refurbish and improve the retail units is considered acceptable as it raises no land use/policy issues. This is however, subject to there being no harmful impacts on amenity and streetscape. This is considered below.

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

- 22 The refurbishment of the shopfronts mainly requires removing the existing aluminium shopfronts and reinstalling these with timber.
- 23 As these works are limited to the ground floor level, it would not impact on residential amenity (particularly flats on the upper floors). The works would not lead to a loss of natural light or outlook to residents above and would not lead to loss of privacy for residents. As such, no objections are raised in terms of residential amenity.
- 24 The proposal therefore complies with Saved Southwark Plan Policies 3.2 and 3.11 of the Southwark Plan and Strategic Policy 13 'High environmental standards' of The Core Strategy 2011.

Traffic issues

- 25 The proposed works are confined wholly within the shopfronts. The new shopfronts would not project beyond the façade to the extent that they would impede pedestrian flow and the doors would open inwards.
- 26 The existing brick walls and fencing already exists within the forecourt and no

additional physical delineation is proposed. The works would not affect vehicular sightlines and no traffic issues are envisaged.

Design issues

- 27 The refurbishment of the shopfronts is welcomed. The existing shopfronts along this parade are in a relatively poor condition, with no uniformity in materials, proportions or design and the proposal would rationalise them. The proposed shopfront and signage refurbishment has the potential to greatly enhance the existing poor quality appearance and provide a consistency of design, materials and finishes to the shopping parade that would be a considerable improvement visually. The existing 'fan lights' would be removed.
- 28 A colour scheme has been proposed for each unit, which enables expression of individual identity/branding. The colours would be applied to the fascia signs and frames and would be selected from a selected range, but with colour variation applied across the parade.
- 29 There would be a more coherent identity to the parade and the removal of clutter. The original features such as corbels are retained and there is also the introduction of 'spandrel' details within the fascia zone and this is welcomed, and the proposal would bring some uniformity and rhythm to the shopfronts that is currently lacking. The other retail units adjoining either side of this parade would not be altered, and whilst this would be desired, it is not possible due to the different ownership.
- 30 It is proposed to install new paving to the front of the shops and install 4 new seating planters. The existing walls in the forecourt would be rendered, capped and decorated. This would improve the general landscaping and retail environment of this parade. There is no objection to the demolition of the existing garden wall between No. 325 and 327.
- 31 The site is not within a Conservation Area and there are no Listed Buildings nearby. A letter received from one of the tenants at No. 325 was in favour of the proposal but wished that there was no change to the fascia or remove the block paving in front as a new illuminated sign had already been recently installed. This would appear to be a personal/private view regarding their own company sign and is not considered to raise any planning objections. This would be a matter between the tenant and the Landlord, who is also the Applicant.
- 32 The design of the fascia signs is assessed under the application 10-AP-2071 (Advertisement Consent).
- 33 The proposal complies with saved Policies 3.12 and 3.13 of The Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' of The Core Strategy 2011.

Other matters

Access

- 34 There are no changes to the access arrangements and all units have level access.

Conclusion on planning issues

- 35 The proposal is considered acceptable overall as it would improve the general appearance of the shopping parade. No impacts on residential amenity or pedestrian flow are envisaged. The application is therefore recommended for approval.

Community impact statement

36 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.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: No issues.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

39 One letter of response has been received from the tenant at No. 325 in favour of some of the improvements. However, the tenant had made it clear to the Applicant (The Council is the Landlord and Applicant) that they do not wish to alter the fascia at the front of the office having just installed a new illuminated sign and did not want to remove the block paving that was fitted in the design of their company logo. The tenant has no objections to the removal of the iron railings to the front or the installation of double glazed units.

Human rights implications

40 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

This application has the legitimate aim of providing improvement to shopfronts. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2561-325 Application file: 10-AP-2152 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5460 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Wing Lau, Planning Officer	
Version	Final	
Dated	7 September 2011	
Key Decision ?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment	No	No
Date final report sent to Constitutional Team		5 October 2011

Consultation undertaken

Site notice date: 09/09/2010

Press notice date: N/A

Case officer site visit date: 09/09/2010

Neighbour consultation letters sent: 13/09/10

Internal services consulted:

Access Officer
Design and Conservation
Public Realm
Transport Planning

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

317 UNDERHILL ROAD LONDON SE22 9EA
315 UNDERHILL ROAD LONDON SE22 9EA
323 UNDERHILL ROAD LONDON SE22 9EA
329 UNDERHILL ROAD LONDON SE22 9EA
327 UNDERHILL ROAD LONDON SE22 9EA
325 UNDERHILL ROAD LONDON SE22 9EA
303 UNDERHILL ROAD LONDON SE22 9EA
124A BARRY ROAD LONDON SE22 0HP
305 UNDERHILL ROAD LONDON SE22 9EA
311 UNDERHILL ROAD LONDON SE22 9EA
309 UNDERHILL ROAD LONDON SE22 9EA
307 UNDERHILL ROAD LONDON SE22 9EA
335 UNDERHILL ROAD LONDON SE22 9EA
313 UNDERHILL ROAD LONDON SE22 9EA
321 UNDERHILL ROAD LONDON SE22 9EA
313A UNDERHILL ROAD LONDON SE22 9EA
BASEMENT FLAT 133 HINDMANS ROAD LONDON SE22 9NH
FLAT 135 HINDMANS ROAD LONDON SE22 9NH
311A UNDERHILL ROAD LONDON SE22 9EA
135 HINDMANS ROAD LONDON SE22 9NH
131 HINDMANS ROAD LONDON SE22 9NH
331 UNDERHILL ROAD LONDON SE22 9EA
144 HINDMANS ROAD LONDON SE22 9NH
180 LANDELLS ROAD LONDON SE22 9PP
77 DARRELL ROAD LONDON SE22 9NJ
146 HINDMANS ROAD LONDON SE22 9NH
GROUND FLOOR 325 UNDERHILL ROAD LONDON SE22 9EA
FIRST FLOOR AND SECOND FLOOR FLAT 283 UNDERHILL ROAD LONDON SE22 0AN
325A UNDERHILL ROAD LONDON SE22 9EA
GROUND FLOOR AND FIRST FLOOR FLAT 133 HINDMANS ROAD LONDON SE22 9NH
FIRST FLOOR FLAT 321 UNDERHILL ROAD LONDON SE22 9EA
333B UNDERHILL ROAD LONDON SE22 9EA
333A UNDERHILL ROAD LONDON SE22 9EA
335A UNDERHILL ROAD LONDON SE22 9EA
331A UNDERHILL ROAD LONDON SE22 9EA
319A UNDERHILL ROAD LONDON SE22 9EA
319B UNDERHILL ROAD LONDON SE22 9EA
FLAT 1 HILLCREST HOUSE 230-232 UNDERHILL ROAD LONDON SE22 9ED
FLAT F 126 BARRY ROAD LONDON SE22 0HP
FLAT 2 HILLCREST HOUSE 230-232 UNDERHILL ROAD LONDON SE22 9ED
124D BARRY ROAD LONDON SE22 0HP
124C BARRY ROAD LONDON SE22 0HP
124B BARRY ROAD LONDON SE22 0HP
FLAT A 126 BARRY ROAD LONDON SE22 0HP
GROUND FLOOR FLAT 321 UNDERHILL ROAD LONDON SE22 9EA
FLAT B 126 BARRY ROAD LONDON SE22 0HP
FLAT E 126 BARRY ROAD LONDON SE22 0HP

FLAT D 126 BARRY ROAD LONDON SE22 0HP
FLAT C 126 BARRY ROAD LONDON SE22 0HP

Re-consultation:

N/A

Consultation responses received

Internal services

Access Officer - No comments have been received.

Design and Conservation - No objections. Comments incorporated into the main report.

Public Realm - No comments have been received.

Transport Planning - No comments.

Statutory and non-statutory organisations

N/A

Neighbours and local groups

One letter of response has been received from the tenant at No. 325 in favour of some of the improvements. However, the tenant had made it clear to the Applicant (The Council is the Landlord and Applicant) that they do not wish to alter the fascia at the front of the office having just installed a new illuminated sign and did not want to remove the block paving that was fitted in the design of their company logo. The tenant has no objections to the removal of the iron railings to the front or the installation of double glazed units.

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	Shearings Holidays	Reg. Number	10-AP-2152
Application Type	Full Planning Permission	Case	TP/2561-325
Recommendation	Grant permission	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Replace 6 shop fronts with new timber double glazed units, new paving to front of shops and installation of 4 new seating planters. Demolish a section of existing garden wall; rendering, capping & decorating the remaining garden walls. Other refurbishment works to external fittings. Properties: 321, 323, 325, 327 and 329 Underhill Road and 135 Hindmans Road.

At: 325 UNDERHILL ROAD, LONDON, SE22 9EA

**In accordance with application received on 20/07/2010
and revisions/amendments received on 19/08/2010**

and Applicant's Drawing Nos. PM362-UNDR-100 Rev 01, PM362-UNDR-101 Rev 01, PM362-UNDR-200 Rev 01, PM362-UNDR -201 Rev 03, PM362-UNDR-300 Rev 01

Design and Access Statement

Reasons for granting planning permission.

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

a] Saved Southwark Plan 2007:

Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity.

Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design

Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments.

Policy 3.14 (Designing out Crime) seeks to ensure that development in both the private and public realm is designed to improve community safety and crime prevention.

b] Core Strategy 2011:

Policy SP10 (Jobs and Businesses) -seeks to increase the number of job in Southwark and create an environment in which business can thrive

Policy SP12 (Design and Conservation) - Expecting development to preserve or enhance Southwark's historic environment, including conservation areas, archaeological priority zones and sites, listed and locally listed buildings, registered parks and gardens and scheduled monuments.

Policy SP13 (High environmental standards) - Setting high standards for reducing air, land, noise and light pollution and avoiding amenity and environmental problems that affect how we enjoy the environment in which we live and work. This includes making sure developments are designed to cope with climate conditions as they change during the development's lifetime.

c] Planning Policy Statements [PPS] PPS 1'Delivering Sustainable Development'

Particular regard was had to the impact of the development on the character and appearance of the host buildings, the streetscene and the surrounding area that would result from the proposed development, where it was considered that the scheme would preserve the character of the buildings and the area. Regard was also had to the amenities of surrounding occupiers, where it was considered that there would be no significant harm arising and no adverse highway impacts. It was therefore considered appropriate to grant planning permission having regard to the policies considered

and other material planning considerations.

Subject to the following condition:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

PM362-UNDR-200 Rev 01, PM362-UNDR -201 Rev 03, PM362-UNDR-300 Rev 01

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved.

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design' of the Southwark Plan 2007 and SP12 'Design and conservation' of The Core Strategy 2011.

Item No. 7	Classification: Open	Date: 17 October 2011	Meeting Name: Dulwich Community Council
Report title:	Planning application and planning enforcement performance for period 1 April 2011 to 31 August 2011.		
Ward(s) or groups affected:	College, East Dulwich and Village		
From:	Head of Development Management		

RECOMMENDATION

- 1 That the report be noted.

BACKGROUND INFORMATION

- 2 This report monitors the planning application, planning appeal, planning enforcement and planning enforcement appeal activity and performance within the Dulwich Community Council area.
- 3 Performance on the timeliness of decision making on planning applications and planning enforcement investigations is measured against borough-wide targets. For planning applications performance is split into three categories. The categories are for large scale and small scale 'major' applications, for 'minor' applications and for 'other' applications. Details of the types of applications falling within these three categories are set out in Appendix 1.
- 4 The locally set target for all three categories of planning applications is for 75% of all applications to be determined within statutory target period. The statutory target time period for the determination of 'major' applications is 13 weeks, or 16 weeks where the application is accompanied by an Environmental Impact Assessment, and for applications in the 'minor' and 'other' categories it is 8 weeks.
- 5 The significance of the 13 and 8 week target periods is that if an application has not been determined by the expiry of this period, an application's statutory expiry date, an appeal can be made to The Planning Inspectorate against the non-determination of the application.
- 6 The performance target for appeals is based on the number of all decided appeals that were allowed (i.e. lost by the Council) as a % of all appeal decisions made where the Council has refused planning permission. This target is currently set at 30%. The calculation of this performance indicator does not include appeals against the imposition of conditions or non-determination [where the Council has not made a decision on an application]. The calculation also excludes all other appeal types, e.g. those in respect of advertisements, certificates of lawfulness, prior approvals and enforcement appeals.
- 7 The local performance target for planning enforcement investigations is for in 80% of cases a decision to be made within 8 weeks of the start date for the investigation as to whether or not there has been a breach of planning control.

KEY ISSUES FOR CONSIDERATION

Planning application performance

- 8 Major applications: Only one major application was decided during the period and this was decided over target. It was granted planning permission.
- 9 Minor applications: 41 applications were decided of which 28 (68.3%) were decided in target. 36 were granted permission and five refused permission.
- 10 Other applications: 139 applications were decided of which 109 (78.4%) were decided in target. 86 were granted permission, 14 refused permission and 39 certificates of lawful development and notification applications determined.
- 11 Applications received and decided: 192 applications were received, 181 decided and 9 were withdrawn. At the end of the period there were 84 outstanding applications in the Community Council area (see Appendix 2).
- 12 Of the decisions made, 167 (92.3%) were made under delegated powers, nine (5%) by the Community Council and five (2.8%) by Planning Committee. Of the nine decided by the Community Council seven were granted permission and two were refused permission.

Planning appeals performance

- 14 During the period four appeal decisions were received against decisions made by the Council and one appeal was withdrawn. Of those appeals decided, two (50%) were allowed and two were dismissed. Both appeals allowed were against decisions made under delegated powers. Of the two dismissed appeals one was against a decision made by the Community Council. Eleven new appeals were received during the period and there are currently nine outstanding appeals in the Community Council area.

Summary of appeals performance

- 15 A summary of the details of the decided appeals is set out in Appendix 3. In one appeal, that for 208 Barry Road, an application was made for an award of costs against the Council. A partial award was granted on the grounds of the unreasonable behaviour of the Council on a procedural matter that had resulted in the adjournment of the hearing when it originally opened on 01 June.

Planning enforcement performance

- 16 New investigations: During the period 30 new investigations were started. Of these five related to College Ward, 16 to East Dulwich Ward and nine to Village Ward (see table Appendix 4).
- 17 Decided investigations: Decided investigations are those where a decision has been made that either:
- there was a breach of planning control, and formal enforcement action was required, or
 - there was a breach of planning control, but it was not expedient to take formal enforcement action, or
 - there was a breach of planning control but the breach has since ceased or been regularised, or
 - there was a breach of planning control but it was now immune from formal enforcement action, or
 - there was not a breach of planning control.

- 18 Of the 25 decided investigations the decision was that in 13 (52%) of these investigations there was no breach of planning control and in 5 (20%) the breach ceased as a result of the intervention of the council. In a further 3 (8%) cases the breach was immune from enforcement action. In three (12%) cases the breach was regularised by the grant of planning permission (see Appendix 5 for a breakdown by ward). Appendix 6 shows the number of investigations received since 01/01/2009 that are still open.
- 19 Of the 25 investigations which were decided, 16 (64%) were decided within the eight week target (see Appendix 7 for comparative data with other Community Council areas).

Formal enforcement action

- 20 Formal enforcement action is being taken against the following breaches of planning control:
- 21 49-51 Norwood Road – use of restaurant premises as a night club continuing. Further r enforcement action considered.
- 22 75-79 Norwood Road – continued monitoring of premises to establish whether there is regular night club use of the premises.
- 23 Tree replanting to land at rear of 19 Village Way – Tree replacement notice to be issued by end of September.

Summary of planning enforcement performance

- 24 There are 26 outstanding enforcement investigations within the Dulwich Community Council area including the formal enforcement action outlined above.
- 25 One planning enforcement appeal decision was received in respect of the Community Council area during the period. The appeal was on the White Gothic House, Lordship Lane.
- 26 The appeal was against a planning enforcement notice issued by the Council against the erection of the White Gothic House and its use as six self contained flats without planning permission next to a Grade II listed building.
- 27 The appeal was allowed on 09/06/2011 and planning permission was granted on the deemed application by the Inspector (under S.177(5) powers of the TCPA, 1990 as amended) to retain the building on the site subject to nine conditions. The first 8 conditions require an improvement in the appearance of the building and site in order to preserve the setting of the adjoining listed building. This will be done through replacement: heritage roof lights, natural roof slates, entry porch, painted timber windows, hard and soft landscape works, boundary treatment, cycle and refuse storage. The details to discharge these conditions were required to be submitted to the Council within 3 months of the appeal decision i.e. by 09/09/2011. The details have been submitted to the Council.
- 28 Condition 9 of the decision requires the building to be demolished to the ground in its entirety if the appellant fails to comply with any of the conditions 1 to 8.
- 29 However, the appellant has now applied to challenge the Inspector's decision in the High Court. It falls to the Secretary of State to defend the claim primarily, however, the Council has been named as a second defendant.

Community impact statement

- 30 The content of this report monitoring development management performance is judged to have no or a very small impact on local people and communities. However, poor performance can have an adverse effect on all individuals, businesses and other organisations within the community who submit planning applications and who do not get a decision within a reasonable period.

Consultations

- 31 No consultation has been carried out in respect of the contents of this report which is solely for the purpose of advising on the performance of the Development Management service in the determination of planning applications and planning appeals.

Human rights implications

- 32 This report does not engage human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
- 33 Any rights potentially engaged by this report are not considered to be unlawfully interfered with.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Planning application performance statistics	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Definition of 'major', 'minor' and 'other' applications
Appendix 2	Planning applications decided
Appendix 3	Planning appeals decided
Appendix 4	Enforcement investigations received
Appendix 5	Enforcement investigations closed
Appendix 6	Enforcement investigations open
Appendix 7	Enforcement investigations performance

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Phil Chambers, Group Manager, Project Management	
Version	Final	
Dated	5 October 2011	
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment	No	No
Date final report sent to Constitutional Team		6 October 2011

APPENDIX 1

Definition of 'major', 'minor' and 'other' applications**Large scale major developments¹**

- 1 Dwellings
- 2 Offices/research and development/light industry
- 3 Heavy industry/storage/warehousing
- 4 Retail, distribution and servicing
- 5 Gypsy and traveller pitches
- 6 All other large scale major developments

Small scale major developments²

- 7 Dwellings
- 8 Offices/research and development/light industry
- 9 Heavy industry/storage/warehousing
- 10 Retail, distribution and servicing
- 11 Gypsy and traveller pitches
- 12 All other small scale major developments

Minor developments³

- 13 Dwellings
- 14 Offices/research and development/light industry
- 15 Heavy industry/storage/warehousing
- 16 Retail, distribution and servicing
- 17 Gypsy and traveller pitches
- 18 All other minor developments

Other developments

- 19 Minerals
- 20 Changes of use -where no other works requiring planning permission are involved
- 21 Householder developments
- 22 Advertisements
- 23 Listed building consents to alter/extend
- 24 Listed building consents to demolish
- 25 Conservation Area consents
- 26 Certificates of lawful development
- 27 Notifications

Notes

¹ Large scale major applications comprise residential development for the creation of 200 or more dwellings for full applications and outline applications for sites of 4ha. or more.

For all other proposals it covers full applications for developments for the creation of 10,000sq.m.or more of new floorspace and for outline applications for sites of 2ha. or more.

² Small scale major applications comprise residential development for the creation of 10 to 199 dwellings for full applications and outline applications for sites from 0.5ha to less than 4ha.

For all other proposals it covers full applications for developments for the creation of between 1,000sq.m.and 9,999sq.m.of new floorspace and for outline applications for sites from 1.0ha to 2ha.

³ Minor applications comprise residential development for the creation of 1-9 dwellings for full applications and outline applications where the site is less than 0.5ha.

For all other proposals it covers full applications for developments for the creation of less than 1,000m² of new floorspace and for outline applications where the site area is less than 1.0ha.

APPENDIX 2

Planning applications decided between 1 April 2011 to 31 August 2011

	No. decided	% decided in target	Granted	Refused
Large scale major	0	0	0	0
Small scale major	1	0	1	0
Minor	41	68	36	5
Other	139	78	86	14
Total	181	76	123	19

APPENDIX 3

Planning appeals decided between 1 April 2011 to 31 August 2011

Address: WHITE GOTHIC HOUSE, UNDERHILL ROAD LONDON SE22 0BU
Application No: 10-AP-1683
Ward: College
Community C'cil: Dulwich
Proposal: Existing use of property as four self contained flats on the ground and first floors.
Appeal Decision: Withdrawn
Date of Decision: 23/05/2011
Appeal Type: Planning Non-determination Appeal
Appeal Ref: APP/A5840/x/10/2136395
Recommendation:
Decision Level:
Council's Decision: Withdrawn - Appeal (Non Determination)
Date of Decision: 15/09/2010

Address: 7 DULWICH WOOD AVENUE, LONDON, SE19 1HB
Application No: 11-AP-0280
Ward: College
Community C'cil: Dulwich
Proposal: First floor side extension providing additional residential accommodation for dwellinghouse.
Appeal Decision: Allowed
Date of Decision: 10/06/2011
Appeal Type: Refusal of Planning Permission
Appeal Ref: APP/A5840/d/11/2151462
Recommendation: Refuse permission
Decision Level: Delegated Officer
Council's Decision: Refused
Date of Decision: 28/03/2011

Summary of decision:

The Inspector considered the main issue to be the visual impact of the proposed development.

He noted that the proposed first floor extension would be above an existing single storey side extension that abuts the boundary with No 5. He did not consider that the flank wall of the extension at an angle of 95 degrees to the front, following the alignment of the existing single storey side extension, would appear awkward or have a serious adverse visual impact. The extension would be set back 5m. from the front elevation of the original house and in terms of style and materials would reflect the original house. The development would not therefore look out of place or contravene plan policies in terms of visual impact.

Considering the concerns of the adjoining neighbour in respect of the effect of the proposal on natural light he did not consider any loss to be sufficient to justify a refusal of permission. Appeal decision allowed -

The Inspector did not share the views of the Council that the proposal would appear as an awkward addition to the side of the dwelling. They felt that the materials and design were in-keeping and as such planning permission should be granted. AC

Address: 166 COURT LANE, LONDON, SE21 7ED
Application No: 10-AP-3305
Ward: Village
Community C'cil: Dulwich
Proposal: Ground floor single storey rear extension and replacement of front store door with window and brickwork; all providing accommodation for dwellinghouse.
Appeal Decision: Allowed
Date of Decision: 10/06/2011
Appeal Type: Refusal of Planning Permission
Appeal Ref: APP/A5840/D/11/2151588
Recommendation: Refuse permission
Decision Level: Delegated Officer
Council's Decision: Refused
Date of Decision: 14/02/2011

Summary of decision:

Inspector considered main issues to be (a) impact on character and appearance of the Dulwich Village Conservation Area and (b) effect on amenity of neighbours.

On (a) the Council had accepted that the proposed alterations to the front of the property would not have a detrimental impact on the building itself or the Conservation Area. The Inspector agreed with this. With regard to the rear extension, which extends across the full width of the house, he considered that it would be subservient to the main house and would not have an unbalanced effect when viewed from the rear. It would not be visible from the public highway. It would therefore not be harmful to the Conservation Area or contravene policy.

On (b), although the extension would project 4m from the rear elevation and be 3.5m high, exceeding the 3m and 3m respectively limits in the residential design standards, the Inspector felt that, given the southerly aspect of the rear elevations, the proposal would have only a marginal impact on natural lighting to No 164 and would not be so dominant or overbearing when viewed from that property as to justify a refusal of planning permission. There would only be a limited effect on No 168 as an extension at the rear of that property already extends up to the appeal premises.

Address: 220B CRYSTAL PALACE ROAD, LONDON, SE22 9EL
Application No: 10-AP-2923
Ward: East Dulwich
Community C'cil: Dulwich
Proposal: Retention of replacement of pitched roof with flat roof; installation of railing around and door access to facilitate use as a terrace; at rear second floor level of maisonette.
Appeal Decision: Dismissed
Date of Decision: 26/08/2011
Appeal Type: Refusal of Planning Permission
Appeal Ref: APP/A5840/A/11/2150623/NWF
Recommendation: Refuse permission
Decision Level: Delegated Officer
Council's Decision: Refused
Date of Decision: 18/02/2011

Summary of decision:

The Inspector considered the main issues to be the effect of the proposal on (a) the living conditions of the occupiers of neighbouring dwellings, particularly in respect of overlooking and loss of privacy, and (b) the character and appearance of the building and area.

The Inspector considered that users of the rooftop terrace have direct views into the rear gardens of Nos 216-224 and into the first and second floor windows of Nos 218 and 222. The 0.62m high railings do little to screen the views of these areas that previously enjoyed high levels of privacy. She concluded that the proposal results in significant harm due to overlooking and loss and privacy. In addition the use of the terrace creates additional noise and other disturbance. This also results in harm to the living conditions on adjoining neighbours.

Although not easily seen from the street, the terrace is very visible from the upper rear windows and rear gardens of adjacent properties. The terrace has introduced an extensive area of decking and iron railings that are alien features in the street scene and any domestic paraphernalia on the terrace would add to clutter and be visually intrusive. She concluded on this issue that the proposal is harmful to the character and appearance of both the building and the area.

Address: 208 BARRY ROAD, LONDON, SE22 0JS
Application No: 10-AP-0915
Ward: East Dulwich
Community C'cil: Dulwich
Proposal: Change of use from single residential dwelling (C3) to children's Montessori nursery (D1) including roof conversion with two dormer window extensions to the rear and single storey rear extension to ground floor.
Appeal Decision: Dismissed
Date of Decision: 26/08/2011
Appeal Type: Refusal of Planning Permission
Appeal Ref: APP/A5840/A/11/2146631/NWF
Recommendation: Refuse permission
Decision Level: Dulwich Community Council
Council's Decision: Refused
Date of Decision: 09/08/2010

Summary of decision:

The Inspector considered the main issues to be (a) the effect on the supply of residential accommodation in the borough, (b) impact on amenity of nearby residents, particularly by reason of noise and disturbance, and (c) impact on highway safety. The Inspector noted that subsequently the Council had granted permission for a scheme with a reduced number of nursery places (20 instead of the 28 in the appeal

scheme) and the retention of a one bedroom flat for use by a member of staff. This permission was a material consideration in the determination of the appeal

On (a) the Inspector noted the Core Strategy requirement for a net increase of dwellings in the borough over the next 15 years and the importance of retaining the existing stock as part of this strategy. The appellant drew attention to the difficulties regarding the use of the staff flat and that such use would not be practical. The Inspector was not persuaded that these difficulties and restrictions would be so severe as to mean that the flat could not contribute to meeting the borough's housing needs. She accepted that there was a clear local demand for nursery places and that the Council's Children's Services confirmed that there is a need for child care but did not consider that this outweighed the complete loss of housing at this site. She concluded on this issue that the proposal would have an unacceptable adverse effect on the supply of residential accommodation in the borough.

On (b), whilst noting that an increase from the permitted 20 places to 28 would be a material increase, it was not considered that any additional noise and disturbance would be such as to justify a refusal of permission.

With regard to (c), the appellants' travel plan would encourage parents and carers to walk to the nursery with their children. The majority of children on the appellants' waiting list live within a 20 minute walk of the site and given the predominantly residential nature of the surrounding area the proportion of children attending the school that live nearby is unlikely to fall significantly. In any event, the Inspector concluded that even if a large proportion of children were taken to and from the nursery by car there is adequate on-street parking capacity to meet the demand. The proposal would therefore not prejudice highway safety.

However, the Inspector's favourable conclusions relating to residential amenity and highway safety were not sufficient to overcome the concerns regarding the loss of residential accommodation.

Award of Costs

Due to a procedural error by the Council in failing to give the necessary letter of notification of the hearing to all interested parties the hearing was opened and then adjourned. The appellants' claimed for their costs for aborted time and travel costs and the time for preparing again later for the hearing when it took place.

The Inspector found that the failure of the Council to notify persons about the hearing amounted to unreasonable behaviour that resulted in unnecessary expense incurred by the appellants. She awarded partial costs against the Council, these being limited to the costs incurred by the appellants and their professional adviser in preparing for and attending the adjourned hearing on 1st June.

APPENDIX 4

Enforcement Investigations received between 01/04/2011 and 31/08/2011

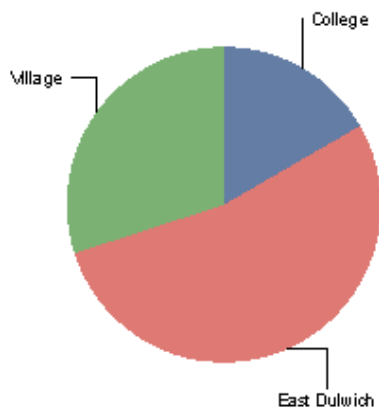
Totals by Ward

	2011	Total
College	5	5
East Dulwich	16	16
Village	9	9
Total	30	30

Totals by Community Council

	2011	Total
Dulwich	30	30
Total	30	30

Percentages by Ward



College	16.7%
East Dulwich	53.3%
Village	30.0%
Total:	100.0%

APPENDIX 5

Enforcement Investigations closed between 01/04/2011 and 31/08/2011

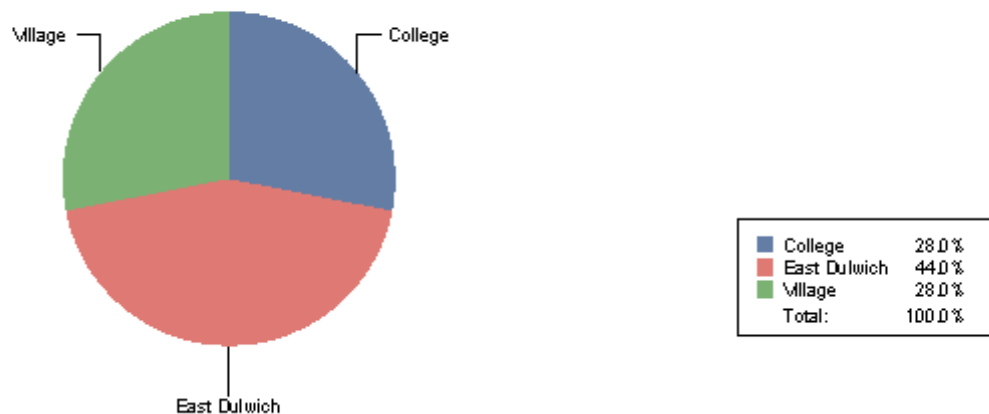
Summary totals by Ward

	BC	BI	BR	M	NB	Total
College	2	1	0	1	3	7
East Dulwich	3	1	1	0	6	11
Village	0	0	2	1	4	7
Total	5	2	3	2	13	25

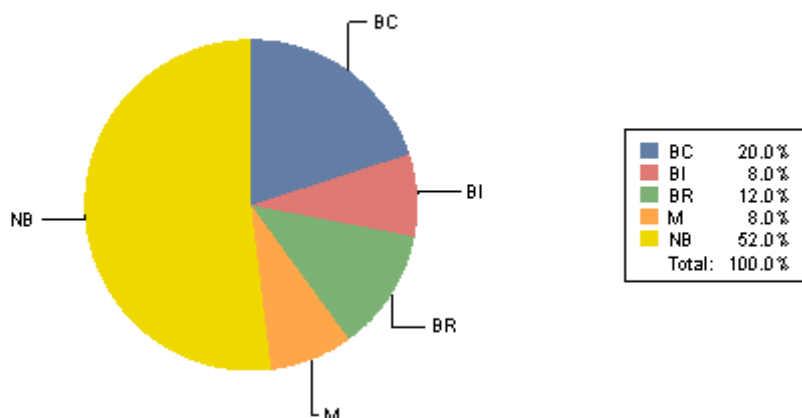
Summary totals by Community Council

	BC	BI	BR	M	NB	Total
DULW	5	2	3	2	13	25
Total	5	2	3	2	13	25

Ward percentages



Percentages of reasons for closure



NB = No breach of planning control. BC = Breach has ceased. BI = Breach immune from action. BR = Breach regularised
 NE = Breach of control but not expedient to take action. M= Miscellaneous

APPENDIX 6

Open Enforcement Investigations, received between 01/01/2009 and 31/08/2011

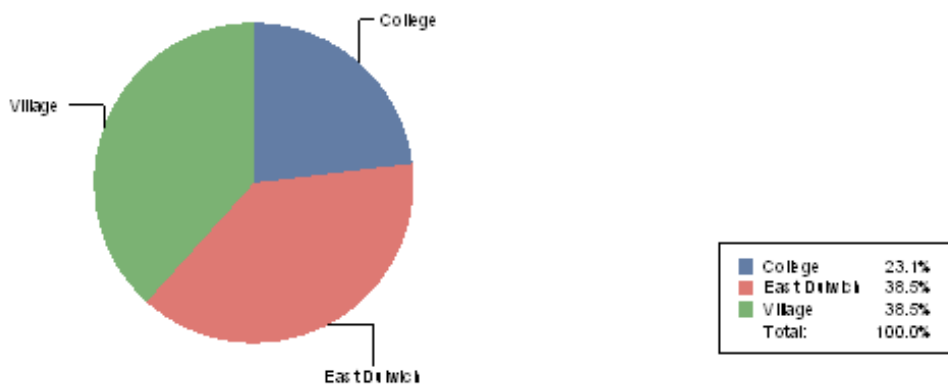
Totals by Ward

	2009	2010	2011	Total
College	4	0	2	6
East Dulwich	0	3	7	10
Village	2	3	5	10
Total	6	6	14	26

Totals by Community Council

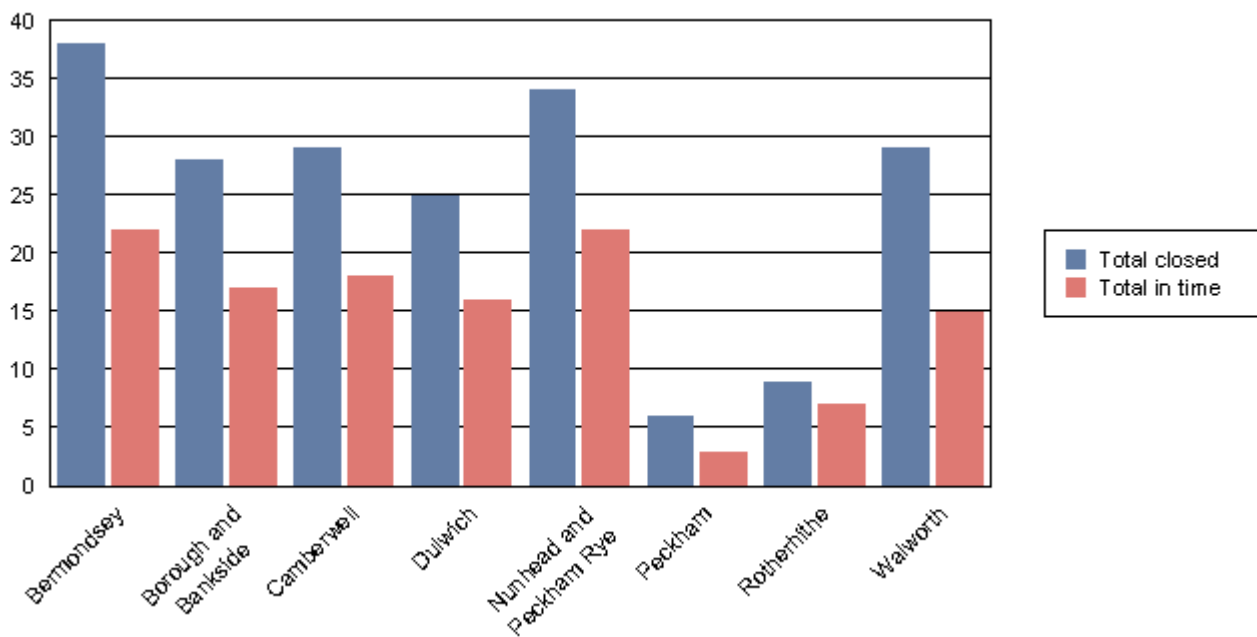
	2009	2010	2011	Total
Dulwich	6	6	14	26
Total	6	6	14	26

Percentages by Ward



Enforcement investigations closed in the period 01/04/2011 to 31/08/2011

Community Council	Total	Total in target	% in target
Bermondsey	38	22	58
Borough and Bankside	28	17	61
Camberwell	29	18	62
Dulwich	25	16	64
Nunhead and Peckham Rye	34	22	65
Peckham	6	3	50
Rotherhithe	9	7	78
Walworth	29	15	52
Grand totals	198	120	60.61



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MUNICIPAL YEAR 2011 - 12

DULWICH COMMUNITY COUNCIL

NOTE: Original held by Constitutional Support Unit; amendments to Beverley Olamijulo (Tel: 020 7525 7234)

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