

Dulwich Community Council

Planning

Monday 20 February 2012
7.00 pm

Herne Hill Baptist Church, Half Moon Lane, London SE24 9HU

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

Eleanor Kelly

Acting Chief Executive

Date: Friday 10 February 2012



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 in any of the items under consideration at this meeting.

Item No.

Title

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

5. MINUTES (Pages 5 - 9)

To confirm as a correct record the minutes of the meeting held on 24 November 2011.

6. DEVELOPMENT MANAGEMENT ITEMS (Pages 10 - 14)

6.1. 34 EAST DULWICH GROVE, LONDON SE22 8PP (Pages 15 - 29)

6.2. 91 DULWICH VILLAGE, LONDON SE21 7BJ (Pages 30 - 40)

Date: Friday 10 February 2012

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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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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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 nombá yi i : 020 7525 7234 tabi ki o yo ju si awon òṣiṣé òsísé ni ojúlé 160 Tooley Street , London SE1 2TZ .

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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 held on Thursday 24 November 2011 at 7.00 pm at St Barnabas Church (The Lounge) 40 Calton Avenue, London SE21 7DG

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

OFFICER Sonia Watson (Planning Officer)
SUPPORT: Rachel McKoy (Legal Officer)
 Beverley Olamijulo (Constitutional Officer)

1. INTRODUCTION AND WELCOME

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

2. APOLOGIES

There were apologies for absence from Councillor Jonathan Mitchell and for lateness from Councillor Rosie Shimell.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

The following member declared an interest in relation to the agenda item below:

Item 6.4 – Foresters Arms, 25 - 27 Lordship Lane, London SE22 8EW

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

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair gave notice of the following additional papers circulated prior to the meeting:

- Addendum report relating to item 6.4 - development management items

5. MINUTES FROM THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 17 October 2011 be agreed as a correct record and signed by the chair.

6. DEVELOPMENT MANAGEMENT ITEMS

6.1 300 LORDSHIP LANE, LONDON SE22 8LY

Planning application reference number 11-AP-1495

PROPOSAL:

Erection of two residential dwellings to the land at the rear of 300 Lordship Lane (both being two storeys) and refurbishment of the existing front building, with ground floor rear and side extensions and alterations to elevations. Demolition of the existing garages.

The planning officer introduced the report and circulated site plans.

Members asked questions of the planning officer.

The objectors made representations to the committee and answered members' questions.

The applicant's agents made representations and answered members' questions.

There were no local supporters living within 100 metres of the development site and no ward members spoke in their capacity as ward members.

Members discussed the application.

RESOLVED:

That planning application 11-AP-1495 be granted subject to conditions as set out in the report.

6.2 300 LORDSHIP LANE, LONDON SE22 8LY

Planning application reference number 11-AP-1664

PROPOSAL:

Demolition of the existing garages.

The planning officer introduced the report and circulated site plans. Members asked questions of the planning officer.

The objectors made representations to the committee and answered members' questions.

The applicant's agents made representations to the committee and answered members' questions.

There were no local supporters living within 100 metres of the development site and no ward members spoke in their capacity as ward members.

Members discussed the application.

RESOLVED:

That Conservation Area Consent be granted subject to conditions as set out in the report.

6.3 48 HOLLINGBOURNE ROAD, LONDON SE24 9ND

Planning application reference number 11-AP-2573

PROPOSAL:

Erection of an 'L' shaped single storey ground floor rear extension to infill existing side return and to part of rear elevation of house, new external patio to rear garden, new brick boundary wall to end of patio to no. 46 side and new brick boundary wall to full length of garden to no. 50 side.

The planning officer introduced the report and circulated site plans.

Members asked questions of the planning officer.

There were no objectors present at the meeting.

The applicant made representations to the committee and answered members' questions.

There were no local supporters living within 100 metres of the development site and no ward members spoke in their capacity as ward members.

Members discussed the application.

RESOLVED:

That planning application 11-AP-2573 be granted subject to conditions as set out in the report.

6.4 FORESTERS ARMS, 25 - 27 LORDSHIP LANE, LONDON SE22 8EW

At this point Councillor James Barber sat in the public gallery and did not take part in the debate or decision.

Planning application reference number 11-AP-2973

PROPOSAL:

Display of a non-illuminated sign at first and second floor level (measuring 10m wide by 7m high) on the south and west elevation for a temporary period during refurbishment works.

The planning officer introduced the report and circulated site plans.

The officer drew Members' attention to the addendum report which contained a late objection that was circulated at the meeting.

Members asked questions of the planning officer.

There were no objectors present at the meeting.

Neither the applicant nor the applicant's agent were present at the meeting.

There were no local supporters present at the meeting.

Councillor James Barber in his capacity as ward member addressed the meeting and spoke against the application and left the room thereafter.

Members discussed the application.

RESOLVED:

That advertisement consent for planning application 11-AP-2973 be refused on the following grounds:

1. The proposed appearance, scale, height and location that would result in it being out of place and an obtrusive element within the street scene. It would also have a materially harmful effect on the visual amenity of the area.
2. The display of the proposed non-illuminated sign would also have a detrimental impact on the visual amenity and character of the area which complies with the relevant policies under the Southwark Plan 2007, Core Strategy.

The meeting ended at 8.45 pm.

CHAIR:

DATED:

Item No. 6.	Classification: Open	Date: 20 February 2012	Meeting Name: Dulwich Community Council
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		Acting 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 legal and democratic services, 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 legal & democratic services. 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 Southwark Plan is part of the Development Plan along with the Core Strategy and London Plan. Some of the detailed Southwark plan policies were 'saved' in July 2010 with permission from the Secretary of State. Some of these policies have now been superseded by policies in the Aylesbury Area Action Plan and the Core Strategy which was adopted on April 6 2011. 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. 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. From 6 April 2010 the Community Infrastructure Levy regulations (CIL) have given these policy tests legal force.

Regulation 122 provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- a. necessary to make to the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related to the scale and kind to the development."

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 5LX	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE1 2TZ	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	25 October 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
Acting Chief Executive	No	No
Head of Development Management	No	No

**ITEMS ON AGENDA OF THE DULWICH CC
on Monday 20 February 2012**

Appl. Type Full Planning Permission
Site 34 EAST DULWICH GROVE, LONDON, SE22 8PP

Reg. No. 11-AP-3865
TP No. TP/2120-34
Ward East Dulwich
Officer Amy Lester

Recommendation GRANT PERMISSION

Item 6.1

Proposal

Redevelopment of the site involve the demolition of existing house and rear garages, and the erection of a three storey building to accommodate 2x1 bed and 3x2 bed flats, erection of new garage to Elsie Road frontage with parking for 2 cars and 6 cycle parking spaces.

Appl. Type Full Planning Permission
Site 91 DULWICH VILLAGE, LONDON, SE21 7BJ

Reg. No. 11-AP-3850
TP No. TP/2292-91
Ward Village
Officer Anna Clare

Recommendation GRANT PERMISSION

Item 6.2

Proposal

Construction of binstore to rear of shop, following demolition of single storey rear extension and disused stores in rear yard.

Ordnance Survey

Date 7/2/2012



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Item No. 6.1	Classification: OPEN	Date: 20 February 2012	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 11-AP-3865 for: Full Planning Permission Address: 34 EAST DULWICH GROVE, LONDON, SE22 8PP Proposal: Redevelopment of the site involve the demolition of existing house and rear garages, and the erection of a three storey building to accommodate 2x1 bed and 3x2 bed flats, erection of new garage to Elsie Road frontage with parking for 2 cars and 6 cycle parking spaces.		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date 9 December 2011		Application Expiry Date 3 February 2012	

PURPOSE

- 1 To consider the above application which requires a decision to be taken at Dulwich Community Council due to the number of objections received.

RECOMMENDATION

- 2 GRANT planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 3 0.032ha site located on the corner of East Dulwich Grove and Elsie Road in the East Dulwich area of the borough. Currently occupied by a dilapidated three-storey detached dwellinghouse which was last used as two-self contained flats. To the rear a single storey garage provides off street parking for 2 cars with access onto Elsie Road.
- 4 The surrounding area is predominantly residential in nature with a variety of building sizes and styles.
- 5 Conservation Area: n/a
Listed Building: within close proximity to 31 & 33 East Dulwich Grove - Grade II Listed
PTAL: 4
CPZ: no

Details of proposal

- 6 This application seeks planning permission for the demolition of the existing detached building and the erection of a three-storey block accommodating 5 self-contained flats.

7 Schedule of accommodation:

	Combined living/dining/kitchen	Kitchen	Living	Bed 1	Bed 2
Unit 1	27sqm	-	-	13.7sqm	7.5sqm
Unit 2	-	7sqm	17.4sqm	12.6sqm	-
Unit 3	27sqm	-	-	13.7sqm	7.5sqm
Unit 4	-	7.1sqm	17.4sqm	12.6sqm	-
Unit 5	31sqm	-	-	14.3sqm	12.7sqm

8 Parking:

2 off-street spaces provided within a new single storey garage to the rear.

9 Cycle Parking:

6 spaces provided within a covered enclosure on the Elsie Road frontage.

Planning history

10 The subject site has been subject to the following previous applications:

11 08-AP-0114

Demolition of existing 3 storey residential property and existing double garage to allow for the construction of a 3 storey residential property with accommodation within the roof [3 x 2 bed and 2 x 1 bed units] and associated car-parking, bin/cycle store and amenity space. Planning permission **refused** at DCC on 05/06/08 for the following reasons:

1. The proposed development by reason of its height, depth and position on the common boundary, location of boundary windows and continued depth of the building to the rear would result in an overbearing impact to 32 East Dulwich Grove with a loss of light and privacy to the ground and first floor rooms. As such the proposal is considered contrary to Policies 3.2 Protection of Amenity, 3.11 Efficient use of land and 3.12 Quality in Design of the Southwark Plan 2007.

2. The proposal by reason of its substantial footprint would fail to provide an adequate level of private outdoor amenity space for the number of units proposed. The communal area provided would be undersized and would compromise the amenity of the proposed rear ground floor unit which would have windows directly onto this space. The proposal is therefore contrary to Policy 3.2 Protection of amenity, 3.11 Efficient use of land, 4.2 Quality of accommodation and Draft Supplementary Planning Document on Residential Design Guidance (2008).

12 07-AP-2071

Demolition of existing 3 storey residential property (including accommodation in the roof) and existing double garage and the construction of a 3 storey residential property (including accommodation in the roof) comprising 5no x 2 bedroom units and double garage. Application **withdrawn** by applicant 07/11/07.

13 06-AP-0753

Demolition of existing single dwelling house and construction of a three storey apartment building comprising of 6 x 2 bedroom flats. Planning permission **refused** 18/09/2006 for the following reasons:

1. The proposed development, by reason of its scale, height and size, would lead to overdevelopment of the site and an over dominant form of development within the streetscene on this prominent corner location,

which together with the detailed design and use of materials proposed, would be out of character and harmful to the visual amenity of the area. The proposal is contrary to Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan and Policy 3.11 'Quality in Design' and Policy 3.13 'Urban Design' of the Southwark Plan (Modifications Version 2006).

2. The scale of the proposed development, and its proximity to the adjoining houses and gardens to the side and rear, particularly No. 32 East Dulwich Grove, would result in a reduction in the quality of living conditions for neighbouring residents, by reason of visual domination, loss of outlook, increased sense of enclosure and the enjoyment of that part of the garden immediately outside the back of the house contrary to Policy E.3.1 'Protection of Amenity' of the Southwark Unitary Development Plan and Policy 3.2 'Protection of Amenity' of the Southwark Plan (Draft Deposit) and guidance contained in Supplementary Planning Guidance no 5 'Standards, Controls and Guidelines for Residential Development'.

3. The proposal, due to insufficient on site parking and an excessive number of units, would have an adverse impact on parking congestion on the surrounding streets, which are subject to heavy parking demand. There would be a loss of amenity to neighbouring residents due to increased competition for scarce on street parking spaces and a reduction in pedestrian and highway safety in local roads. As such, the proposal is contrary to Policy T.1.3 'Design of Development and Conformity with Council Standards' and Policy T.6.3 'Parking Space in New Developments' of the Southwark Unitary Development Plan and Policy 5.6 'Parking' of the Southwark Plan (Modifications Version 2006).

14 03-AP-1539

Demolition of the existing two storey with attic house and construction of a three storey building with roof extension consisting of 6 x 2 bedroom flats. Planning permission **refused** 29/09/2003 under delegated powers, and appeal (ref: APP/A5840/A/03/1135982) subsequently **dismissed** for the following reasons:

1. The proposed development, by reason of its scale, height, size, detailed design and use of materials, would lead to overdevelopment of the site and an over dominant form of development within the streetscene, which together with the detailed design, would be harmful to the visual amenity of the area. The proposal is contrary to Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan and Policy 3.14 'Quality in Design' and Policy 3.15 'Urban Design' of the Southwark Plan (Draft Deposit).

2. The proposed scale of the development, and its proximity to the adjoining houses and gardens to the side and rear, would result in a loss of light and amenity to neighbouring residents, contrary to Policy E.3.1 'Protection of Amenity' of the Southwark Unitary Development Plan and Policy 3.2 'Protection of Amenity' of the Southwark Plan (Draft Deposit) and guidance contained in Supplementary Planning Guidance no 5 'Standards, Controls and Guidelines for Residential Development'.

3. The proposal would result in a high density development with insufficient amenity space to meet the needs of the future occupiers. This is contrary to Policy H.1.8 'Standards for New Housing' and H.1.7 'Density of New Residential Development' of the Southwark Unitary

Development Plan and Policy 4.2 'Residential Design Standards', 4.1 'Housing Density' and 5.5 'Density' of the Southwark Plan (Draft Deposit) and guidance contained in Supplementary Planning Guidance No. 5 'Standards, Controls and Guidelines for Residential Development'.

4. The proposal, due to insufficient on site parking and an excessive number of units, would have an adverse impact on parking congestion on the surrounding streets, contrary to Policy T.1.3 'Design of Development and Conformity with Council Standards' and Policy T.6.3 'Parking Space in New Developments' of the Southwark Unitary Development Plan and Policy 5.6 'Parking' of the Southwark Plan (Draft Deposit).

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 15 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 and Appearance.
 - c) Residential Amenity.
 - d) Neighbour Amenity.
 - e) Traffic and Transportation.

Planning policy

- 16 Core Strategy 2011
 Strategic Policy 1 - Sustainable Development
 Strategic Policy 2 – Sustainable transport
 Strategic Policy 5 – Providing new homes
 Strategic Policy 6 – Homes for people on different incomes
 Strategic Policy 12 - Design and Conservation
- 17 Southwark Plan 2007 (July) - saved policies
 3.2 Protection of Amenity
 3.11 Efficient Use of Land
 3.12 Quality in Design
 3.13 Urban Design
 4.1 Density of residential development
 4.2 Quality of Residential Accommodation
 5.1 Locating Developments
 5.2 Transport Impacts
 5.3 Walking and Cycling
 5.6 Car Parking
- 18 Adopted Supplementary Planning Guidance
 Residential Design Standards (2011)
 Sustainable Design and Construction (2009)
- 19 London Plan 2011

- 3.3 Increasing housing supply
- 3.5 Quality and design of housing
- 3.8 Housing choice
- 7.4 Local character

- 20 Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)
PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPG13 Transport
- 21 Draft National Planning Policy Framework (2011)

Principle of development

- 22 The principle of a residential development on this site is acceptable in general policy terms in relation to the adopted London Plan (2011), the Core Strategy 2011 and the saved policies of the Southwark Plan (2007), and is considered to be in general conformity with the Governments objections of planning for growth and the presumption towards sustainable development as outlined within the draft NPPF.
- 23 The draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.
- 24 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight).

Design and Appearance

- 25 Having regard to policies 3.12 'Quality in Design' and 3.13 'Urban Design', the scale, design and position of the proposed scheme is considered acceptable within the context of the streetscene.
- 26 The proposed development reflects the existing architecture of the street and would appear as a continuous streetscene. The design closely reflects the width and height of the surrounding houses and thus continues the established rhythm.
- 27 To the side fronting Elsie Road the roof form will rise to a gable elevation towards the rear, further towards the front two dormer windows also project from the roof slope. Given the return frontage and the buildings requirement to present itself to two streets this is considered an appropriate response to the site. Set back from the front elevation on East Dulwich Road by 6.5m the gable roof form will recede from view along this frontage.
- 28 Along the Elsie Road frontage a separation gap of 13m is maintained between the rear elevation of the proposed building and the side elevation of 35 Elsie Road. This follows a traditional street pattern layout and ensures a sense of speciousness is maintained within the streetscene.
- 29 Materials
Proposed materials include the reuse of the existing London stock bricks from the

demolition of the existing building where possible and additional London stocks to match where needed. The roof would be constructed in a red tile to match neighbouring dwellings, while white sash windows and timber glazed doors would be used throughout the building.

30 This is an appropriate use of materials in keeping with the style of the proposed building and character of the surrounding area.

31 Impact on nearby Listed Building

The proposal does not lie within a conservation area however is situated opposite 31 & 33 East Dulwich Grove being grade II listed buildings. Officers do not believe that the proposal would impact negatively on the listed buildings and that it would preserve their character, appearance and setting. As such it is considered to be in accordance with policies 3.15 and 3.16, and guidance contained within PPS5.

Residential Amenity

32 The proposed unit sizes and individual room sizes are in keeping with the standards as set out in the London Plan 2011 and the Residential Design Standards SPD 2011. All units are dual aspect and would have sufficient outlook over Elsie Road and either East Dulwich Grove to the south or over the amenity space to the north. Subsequently all of the units would achieve sufficient daylight and sunlight to habitable areas.

33 Density

The site is located within the Urban Density Zone and has a PTAL of 4 which equates to a density level of 200-700hr/ha as outlined within Core Strategy policy 5.

34 The density of the proposed development would equate to 406hr/ha. This is in accordance with policy and is consistent with the predominant existing built form of the area.

35 Amenity Space

Policy 4.2 requires residential development to provide suitable amenity space for the use of residential units. The reasons for refusal on application 08-AP-0114 concluded that the previous proposed development failed to make adequate provision for outdoor amenity space to meet the future needs of occupiers. This has been addressed through the enlargement of the rear amenity area with the rear building line being pulled back. This has allowed an area of private amenity space to be provided for the ground floor rear unit with direct access from their living area. To the rear of this a communal amenity space of 70sqm would be provided for the use of the remaining units.

36 This arrangement is considered to sufficiently provide outdoor amenity space which would meet the future needs of occupiers while protecting the amenity of the proposed ground floor rear flat. It therefore is considered to overcome the previous reason for refusal.

37 Refuse and Recycling Facilities

Refuse and recycling storage areas would be provided at ground floor level within a purpose built store and with access from Elsie Road. The store is considered to be acceptable in terms of its size and location, would meet the future needs of the development and is appropriately sited for collection. A condition requiring it to be provided prior to occupation is recommended to ensure compliance with policy 3.7 'Waste reduction'.

Neighbour Amenity

- 38 The proposed development would not result in any form of detrimental impact on the amenity of neighbouring properties through loss of outlook, light or privacy, and is considered to have adequately overcome the previous reason for refusal on application 08-AP-0114. The nearest neighbouring property is that located at 32 East Dulwich Grove and the likely impact is discussed below:
- 39 32 East Dulwich Grove
This house is situated on the adjacent plot to the east of the application site and forms a detached 3 storey villa style property. The dwelling is set approximately 1.3m from its western boundary and has a ground floor kitchen window and first floor bedroom window located in its side elevation facing the application site. Concern has been raised by the neighbouring dwelling over the impact that the development would have on these windows.
- 40 A daylight and sunlight study has been carried out in accordance with BRE guidelines. All windows tested pass daylight tests with the exception of the existing ground floor kitchen window which is a secondary window serving a non-habitable room. Given the existing close proximity of the dwellings it is concluded that there would be no noticeable impact on the amenity of this room through loss of daylight.
- 41 At first floor level the existing bedroom window passes all daylight tests, annual sunlight hours test, but marginally falls short of the BRE direct winter sunlight hours test by 1%. Given this very minor failure of winter sunlight hours and the BREs guidelines that tests should be applied with flexibility in urban locations it is concluded that the development will not have a detrimental impact on the light received by this room.
- 42 To overcome the previous reason for refusal (08-AP-0114) the development has been reduced in depth along the common boundary with no.32 East Dulwich Grove and pulled back by 1m. This sets the most eastern point of the new building further back than the rear line of the neighbouring property at no.32. All windows from the side elevation have also been removed.
- 43 There would be no loss of outlook from existing rear facing rooms and no loss of privacy experienced. It is therefore considered that the development as currently proposed would protect the amenity of this neighbouring dwelling and effectively overcomes the previous reason for refusal.

Traffic and Transportation

- 44 The adopted London Plan, saved policies of the Southwark Plan and the Southwark Sustainable Transport SPD set out parking and cycle parking guidance.
- 45 Policy 5.2 of the Southwark Plan seeks to ensure that developments would not result in any adverse highway impacts. The site has a medium public transport accessibility level (PTAL) of 4 and the site does not form part of a controlled parking zone. Government guidance is to reduce reliance on the private car and as such any perceived shortfall of parking is not considered to be sufficient grounds for refusal. This is echoed by saved policy 5.6 of the Southwark Plan which requires that all developments should minimise the number of spaces.
- 46 2 parking spaces are proposed to the rear of the application site within a new garage fronting Elsie Road. Given the good PTAL and the proposed level of off-street parking the development is not considered to result in overspill parking which would be detrimental to the surrounding highway network.

47 Cycle Parking

Saved policy 5.3 of the Southwark Plan seeks to ensure that developments provide facilities for pedestrians and cyclists.

- 48 The proposal would provide 6 cycle parking spaces in accordance minimum standards. The spaces would be covered, convenient and secure in accordance with policy 5.3 in the Southwark Plan 2007.

Conclusion on planning issues

- 49 The proposed scheme would provide increased housing on this site, contributing to the overall housing need of the borough and bringing back into active use a derelict site. The quality of the accommodation provided is considered to be of a sufficient standard. The overall design of the units are well considered and appropriate to the character of the area.
- 50 It is considered that the proposed scheme would not result in significant harm to the amenities of existing residents such that would justify a refusal of the scheme. It is therefore recommended that planning permission be granted subject to conditions

Community impact statement

- 51 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.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 54 Transport Planning:
Raise no objections to the proposed scheme, but consider that it should be car-free, however given the level of parking proposed replaces existing provision do not consider this to be a reason for refusal.
- 55 The Council has received 13 letters of objection raising the following concerns:
- Development is too large with too many flats.
 - Design and detailing is out of keeping with adjacent properties.
 - Projection of roof line towards Elsie Road will change visual aspect of Elsie Road.
 - Loss of light to adjoining properties.
 - Loss of privacy.
 - Shortfall of off-street parking will impact on existing parking levels.
 - Lack of sustainable measures.
 - Density too high.

- New entrance on Elsie Road inappropriate
- Unacceptable windows on side elevation (these have been removed)
- Loss of large dwelling through subdivision (property was last use was as 2 flats)
- Loss of existing building.

56 A petition in objection from the Vale Residents Association with 10 signatures was also received.

57 The Council has received 1 letter of support raising the following matters:

- Development will be in keeping with the area.
- Will not have an affect on traffic or parking.
- Positive impact on general housing shortage.

58 Re-consultation

with all previous neighbour consultees and all those who made comments on the initial proposal. Reasons for re-consultation:

- Removal of all windows on east flank elevation.
- Reinstatement of frontage to East Dulwich Grove as front garden area with new independent entrance to ground floor front flat, including reduction in height of front boundary wall.
- Enlargement of private amenity area for ground floor rear flat.
- Relocation of bin store to Elsie Road frontage.
- Erection of single storey garage (2 parking spaces) on the Elsie Road frontage.

No further letters of comment were received in response to this re-consultation.

Human rights implications

59 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.

60 This application has the legitimate aim of providing 5 new units of 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2120-34 Application file: 11-AP-3865 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 5452 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	Amy Lester, Planning Officer	
Version	Final	
Dated	3 February 2012	
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 Leisure	No	No
Date final report sent to Constitutional Team	9 February 2012	

Consultation undertaken

Site notice date: 15/12/2011

Press notice date: 22/12/2011

Case officer site visit date: 15/12/2011

Neighbour consultation letters sent: 14/12/2011

Internal services consulted:

Transport Planning

Waste Management

Neighbours and local groups consulted:

40 ELSIE ROAD LONDON SE22 8DX
 32 EAST DULWICH GROVE LONDON SE22 8PP
 35 ELSIE ROAD LONDON SE22 8DX
 FLAT 8 36 EAST DULWICH GROVE LONDON SE22 8PP
 31 EAST DULWICH GROVE LONDON SE22 8PW
 33 EAST DULWICH GROVE LONDON SE22 8PW
 34A EAST DULWICH GROVE LONDON SE22 8PP
 34B EAST DULWICH GROVE LONDON SE22 8PP
 FLAT 7 36 EAST DULWICH GROVE LONDON SE22 8PP
 LIVING ACCOMMODATION 33 EAST DULWICH GROVE LONDON SE22 8PW
 FLAT 1 36 EAST DULWICH GROVE LONDON SE22 8PP
 FLAT 4 8 EAST DULWICH GROVE LONDON SE22 8PP
 FLAT 2 8 EAST DULWICH GROVE LONDON SE22 8PP
 FLAT 3 8 EAST DULWICH GROVE LONDON SE22 8PP
 FLAT 5 36 EAST DULWICH GROVE LONDON SE22 8PP
 FLAT 6 36 EAST DULWICH GROVE LONDON SE22 8PP
 FLAT 4 36 EAST DULWICH GROVE LONDON SE22 8PP
 FLAT 2 36 EAST DULWICH GROVE LONDON SE22 8PP
 FLAT 3 36 EAST DULWICH GROVE LONDON SE22 8PP

Re-consultation: 16/01/2012 with all previous neighbour consultees and all those who made comments on the initial proposal. Reasons for re-consultation:

- Removal of all windows on east flank elevation.
- Reinstatement of frontage to East Dulwich Grove as front garden area with new independent entrance to ground floor front flat, including reduction in height of front boundary wall.
- Enlargement of private amenity area for ground floor rear flat.
- Relocation of bin store to Elsie Road frontage.
- Erection of single storey garage (2 parking spaces) on the Elsie Road frontage.

Consultation responses received**Internal services**

Transport Planning

Neighbours and local groups

15 Elsie Road

35 Elsie Road

40 Elsie Road

30 East Dulwich Grove

32 East Dulwich Grove

62 East Dulwich Grove

41 Melbourne Grove

70 Melbourne Grove

8 Nairne Grove

3 Forester Road

21a Amott Road

Via email from resident of Matham Grove

Via email address not given

Vale Residents Association

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	Mr Thorpe DML Contracting	Reg. Number	11-AP-3865
Application Type	Full Planning Permission	Case Number	TP/2120-34
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Redevelopment of the site involve the demolition of existing house and rear garages, and the erection of a three storey building to accommodate 2x1 bed and 3x2 bed flats, erection of new garage to Elsie Road frontage with parking for 2 cars and 6 cycle parking spaces.

At: 34 EAST DULWICH GROVE, LONDON, SE22 8PP

In accordance with application received on 17/11/2011 12:00:26

and Applicant's Drawing Nos. Site Location Plan 010 rev A, 100 rev A, 101 rev A, 102 rev A, 103 rev A, 104 rev A, 105 rev A, 106 rev A, 200 rev B, 201 rev B, 202 rev A, 203 rev A, 204 rev C, 205 rev C, 206 rev C, 207 rev C, Design & Access Statement 17th November 2011, Daylight and Sunlight Study 16th September 2010

Reasons for granting planning permission.

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

- a) Saved Southwark Plan Policies (2007)
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") protects against the loss of amenity, including disturbance from noise, to present and future occupiers on or in the vicinity of the application site, 3.11 ("Efficient use of land") states that all developments should ensure that they maximise the efficient use of land, 3.12 ("Quality in design") requires new development to achieve a high quality of architectural and urban design, 3.13 ("Urban design") seeks to ensure that principles of good urban design are taken into account in all developments, 3.28 (Biodiversity) seeks to take biodiversity into account in determination of planning applications, 4.1 ("Density of residential development") provides density ranges for different zones within the borough, 5.2 ("Transport Impacts") states that permission will not be granted for development which has an adverse impact on transport networks through significant increases in traffic or pollution and consideration has been given to impacts on the Transport for London road network as well as adequate provision for servicing, circulation and access to and from the site, 5.6 ("Car parking") requires all developments requiring car parking to minimise the number of spaces provided

- b) Core Strategy Strategic Policies 2011
1 sustainable development, 2 sustainable transport (which seeks to encourage walking, cycling and the use of public transport rather than travel by car), 5 providing new homes, 6 homes for people on different incomes, 7 family homes, 12 design and conservation (which requires the highest possible standards of design for buildings and public spaces) and 13 high environmental standards (which requires developments to meet the highest possible environmental standards).

- c) Supplementary Planning Documents
Design and Access Statements SPD (2007), Residential Design Standards SPD (2011).

- d) The Replacement London Plan policies 2011
3.3 Increasing housing supply, 3.5 Quality and design of housing, 3.8 Housing choice, 5.3 Sustainable design and construction, 6.3 Assessing transport capacity, 7.4 Local character.

- e) Planning Policy Statements
PPS1 Planning for Sustainable Communities, PPS3 Housing, PPG13 Transport.

Particular regard was had to the impact to the amenity of the adjoining resident of 32 East Dulwich Grove, and the surrounding highway situation, it was considered that there would be no significant adverse impact that would

follow. Further regard was had to design issues and the design was considered to be appropriate. Other issues are considered within the case officer's report. Overall, 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:

200 rev B, 201 rev B, 202 rev A, 203 rev A, 204 rev C, 205 rev C, 206 rev C and 207 rev 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 saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design' The Southwark Plan 2007 (July) and SP12 -Design and Conservation of the Core Strategy 2011.

- 4 The refuse and recycling storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the dwellings before those dwellings are occupied and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of the Southwark Plan 2007.

- 5 The garage hereby permitted shall be used for the parking of domestic vehicles only incidental to the use of the flats hereby approved.

Reason

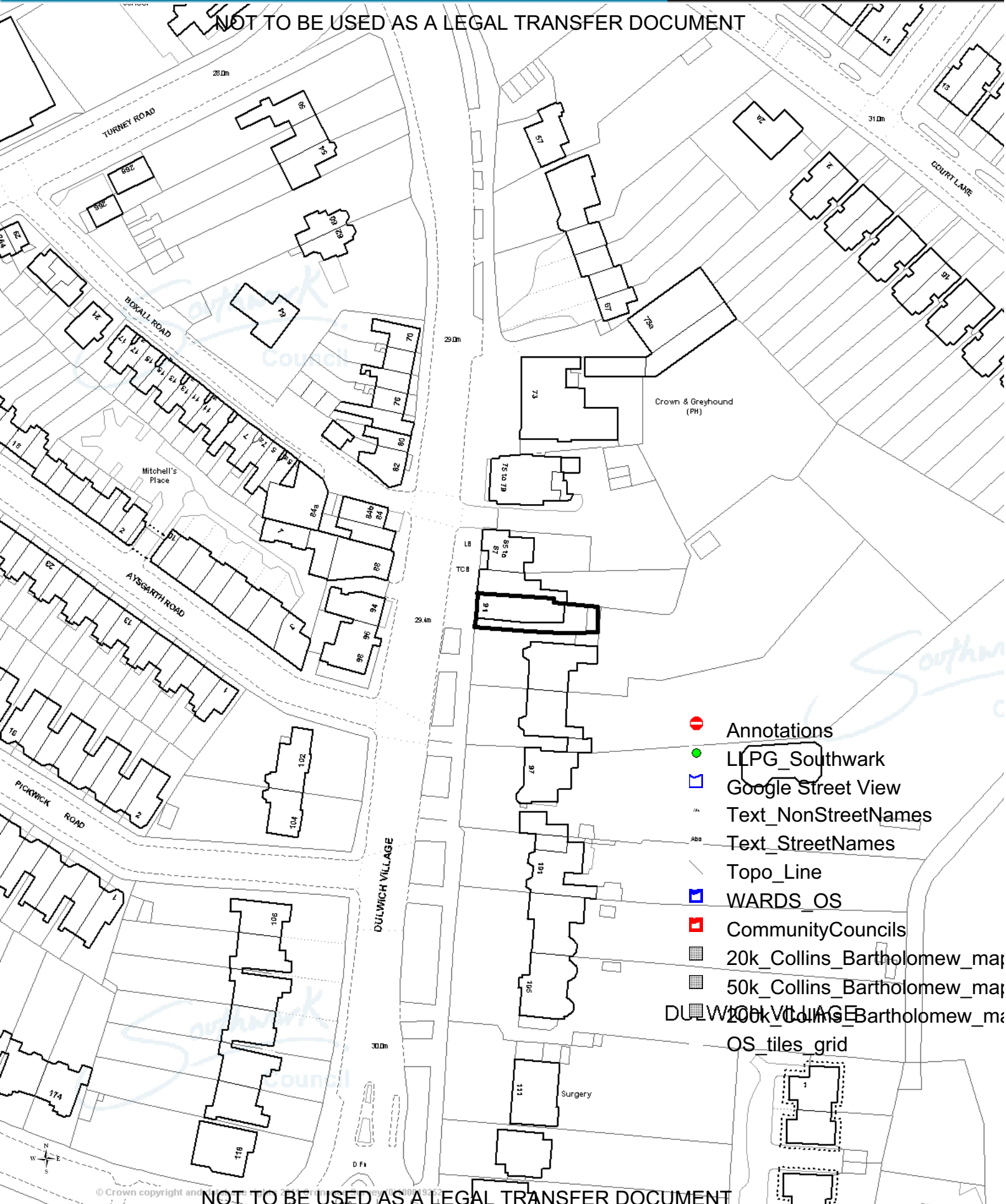
In order to retain the use of the garage for the occupiers of the development in accordance with saved policy 5.2 Transport Impacts of the Southwark Plan 2007 and Strategic Policy 2 'sustainable transport' in the Core Strategy.

- 6 The cycle storage facilities as shown on drawing 200 rev B shall be provided before the units hereby approved are occupied and thereafter such facilities shall be retained and the space used for no other purpose without prior written consent of the local planning authority.

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 saved policy 5.2 Transport Impacts and 5.3 Walking and Cycling of the Southwark Plan 2007 and Strategic Policy 2 'sustainable transport' in the Core Strategy.

NOT TO BE USED AS A LEGAL TRANSFER DOCUMENT



- Annotations
- LLPG_Southwark
- Google Street View
- Text_NonStreetNames
- Text_StreetNames
- Topo_Line
- WARDS_OS
- CommunityCouncils
- 20k_Collins_Bartholomew_map
- 50k_Collins_Bartholomew_map
- DULWICH VILLAGE 20k_Collins_Bartholomew_map
- OS_tiles_grid

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NOT TO BE USED AS A LEGAL TRANSFER DOCUMENT

Item No. 6.2	Classification: OPEN	Date: 20 February 2012	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 11-AP-3850 for: Full Planning Permission Address: 91 DULWICH VILLAGE, LONDON, SE21 7BJ Proposal: Construction of binstore to rear of shop, following demolition of single storey rear extension and disused stores in rear yard.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 16 November 2011		Application Expiry Date 11 January 2012	

RECOMMENDATION

- 1 Grant planning permission.

BACKGROUND INFORMATION

Site location and description

- 2 The site refers to a semi-detached two storey property on the eastern side of Dulwich Village. The property comprises a retail unit at ground floor and a separate residential property at first floor accessed to which is gained by a side access passage to an entrance at ground floor level on the side elevation.

Details of proposal

- 3 The erection of a single storey ground floor side extension to create a bin store for the ground floor retail unit, measuring 900mm in depth by 2700mm in width by 3000mm in height with a lead clad roof, following the demolition of the existing single storey rear extension and disused stores to the rear of the rear yard.

Planning history

- 4 No planning history.

Planning history of adjoining sites

- 5 89 – No planning history
- 6 93 –None of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 7 The main issues to be considered in respect of this application are:
- a) The impact on amenity of neighbouring residents and future occupiers.
 - b) The design and appearance of the extension.

Planning policy

Core Strategy 2011

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

Southwark Plan 2007 (July) - saved policies

- 9 Policy 3.2 'Protection of Amenity'
Policy 3.11 'Efficient Use of Land'
Policy 3.12 'Quality in Design'
Policy 3.16 'Conservation Areas'

London Plan 2011

- 10 None relevant.

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

- 11 Draft National Planning Policy Framework (NPPF)

Principle of development

- 12 The draft National Planning Policy Framework (NPPF) was published at the end of July 2011 for consultation until 17 October 2011. The Government has set out its commitment to a planning system that does everything it can do to support sustainable economic growth. Local planning authorities are expected to plan positively for new development. All plans should be based on the presumption in favour of sustainable development and contain clear policies that will guide how the presumption will be applied locally.
- 13 The NPPF builds upon the Government's 'Plan for Growth' which was published in March 2011. The overall theme of this document is to support long term sustainable economic growth and job creation in the UK. This is set out as a clear and current Government objective (and accordingly should attract significant weight).
- 14 The principle of extending commercial units for the purposes of providing bin storage, is considered acceptable provided that the scale of the proposal is appropriate within its context, having regard in particular to impacts on character and appearance of the site and surrounds, and impacts on residential amenities.

Environmental impact assessment

- 15 None.

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

- 16 The proposed extension to the ground floor retail unit measuring 900mm in depth, and 3000mm in height adjacent to the entrance door to the residential property is not

considered to have a detrimental impact on the occupiers of the property to warrant the refusal of the application. The adjacent property at 93 Dulwich village is considered, given the side access passage, to be a sufficient distance from the proposed extension so as there will be no detrimental impact on the occupiers of this property.

- 17 A number of objections have been received to the application on the basis of the loss of amenity to the residential property in terms of employees using this door, and the close proximity of the bin store. There is an existing entrance to the ground floor retail unit in this location, and with the erection of this extension it is not considered that the use of this entrance will increase such to warrant a refusal of the application. In terms of the proximity of the bin store to the residential unit, this is the entrance door giving access to the first floor flat, it is not considered that the location of the bin store would have a detrimental impact on the flat in terms of environmental issues, smell for example.
- 18 Currently the refuse bins are kept externally to the building in the yard area. It is considered that the construction of a bin store would improve the situation having the bins stored internally, and meaning the employees of the retail unit would not have to exit the building to dispose of rubbish. With a retail unit of this size it is considered that a bin store of this size, able to accommodate two 240L wheelie bins, would provide sufficient refuse storage.

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

- 19 None.

Traffic issues

- 20 None.

Design issues

- 21 The extension is proposed to be constructed in brick to match the existing host building, with timber screen and door and a lead clad roof. The extension will project marginally further than the existing side elevation, and be approximately 400mm above the existing flat roof. However given its location to the rear of the property it is not considered the extension will be overly visible from the public highway and given the choice of materials will not appear out of keeping or have a detrimental impact on the appearance of the street scene.

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

- 22 The property is situated within the Dulwich Village Conservation area, however as considered above, the extension will not be overly visible from public viewpoints, and given the choice of materials it is considered that the character of the conservation area will be preserved.

Impact on trees

- 23 None.

Planning obligations (S.106 undertaking or agreement)

- 24 Not required with an application of this nature.

Sustainable development implications

- 25 None.

Other matters

- 26 The application was submitted for Conservation Area Consent and planning permission for the demolition of the existing rear extension and the outbuilding in the rear yard. It is not considered that Conservation Area Consent is required for the works of demolition. The rear outbuilding is not over 115m³ in volume, and the demolition of the rear single storey extension is not considered 'substantial' demolition for which Conservation Area Consent would be required.

Conclusion on planning issues

- 27 It is not considered that the modest extension will have a detrimental impact on the residential property above or adjacent. The choice of materials is considered to harmonise with the existing building and as such the character of the street scene and the Conservation Area will be preserved.

Community impact statement

- 28 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.
- 29 a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 32 7 letters of objection received.
- 33 The Owner and the current tenant of the residential property at 91 Dulwich Village have objected on the basis of the location of the bin store adjacent to the front entrance door, smell, access and rubbish overspill. Concerns also raised regarding the works themselves, duration, access and separation of the works, as discussed above the demolition works do not require consent and these matters are not considered planning matters.
- 34 63 Court Lane – proximity to the residential unit, size of the bin store not sufficient, potential for vermin.
- 35 62 Dulwich Village – homeowners should not suffer a loss of amenity for the benefit of commercial activities, in practice there is likely to be more rubbish, bad smell and the store is unsightly.

- 36 Two objections received from 64 Dulwich Village – Firstly, the positioning of 500 litres of commercial waste bins next to the only entrance to the adjoining flat can only be considered as a severe loss of amenity. Food waste may prove hazardous to health. Secondly, the close proximity of the store to the entrance to the flat, any excess waste, particularly food waste would make access to the residential property above most unpleasant.
- 37 Dulwich Society – proximity of the bin store to the flat entrance.
- 38 The owner of 93 Dulwich Village has also commented on the application, stating that if the application were for a two storey extension they would object on the basis of the impact on their privacy to this side.

Human rights implications

- 39 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.
- 40 This application has the legitimate aim of providing a bin store for the commercial property. 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

- 41 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2292-91 Application file: 11-AP-3850 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 5560 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	Anna Clare, Planning Officer	
Version	Final	
Dated	3 January 2012	
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 Leisure	No	No
Date final report sent to Constitutional Team		9 February 2012

Consultation undertaken

Site notice date: 02/12/2011

Press notice date: 01/12/11

Case officer site visit date: 02/12/11

Neighbour consultation letters sent: 25/11/11

Internal services consulted: None.

Statutory and non-statutory organisations consulted: None

Neighbours and local groups consulted:

89 DULWICH VILLAGE LONDON SE21 7BJ

91 DULWICH VILLAGE LONDON SE21 7BJ

85-87 DULWICH VILLAGE LONDON SE21 7BJ

FLAT 91 DULWICH VILLAGE LONDON SE21 7BJ

89A DULWICH VILLAGE LONDON SE21 7BJ

FLAT A 91 EAST DULWICH GROVE LONDON SE22 8PU

87 DULWICH VILLAGE LONDON SE21 7BJ

FLAT B 91 EAST DULWICH GROVE LONDON SE22 8PU

93 DULWICH VILLAGE LONDON SE21 7BJ

FLAT C 91 EAST DULWICH GROVE LONDON SE22 8PU

Re-consultation: Sent 01/02/12 following amendments to the proposed scheme, namely the increase in height of the extension to 400mm above the existing flat roof, and the introduction of a lead roof over. Any further comments received will be included within an addendum to this item.

Consultation responses received

Internal services

N/A

Statutory and non-statutory organisations

N/A

Neighbours and local groups

7 letters of objection received outlined above.

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 P Carter The Incorporated Trustees of The Dulwich Estate	Reg. Number	11- <u>AP</u> -3850
Application Type	Full Planning Permission	Case Number	TP/2292-91
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Construction of binstore to rear of shop, following demolition of single storey rear extension and disused stores in rear yard.

At: 91 DULWICH VILLAGE, LONDON, SE21 7BJ

In accordance with application received on 16/11/2011

and Applicant's Drawing Nos. Design Access And Heritage Statement, location plan and drawings 380 EX-00, 380 EX-01 Rev A, 380 EX-02 Rev A, 380 EX-03 Rev A, 380 GA-04 Rev A, 380 GA-05 Rev C, 380 GA-06 Rev C, 380 GA-07 Rev A, 380 GA-08.

Reasons for granting planning permission.

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

- a] Strategic Policy 12 - Design and Conservation and Strategic Policy 13 - High Environmental Standards of The Core Strategy 2011.
- b] Saved Policies 3.2 (Protection of amenity) which advises that permission will not be granted where it would cause a loss of amenity); 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design and 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments of the Southwark Plan (July 2007).

Particular regard was had to the design of the scheme and its impact on the character of the Dulwich Village Conservation Area, and the amenity of the adjoining property. It was considered that the scheme would not have impacts that would be such that they would warrant refusal and accordingly, planning permission was granted, subject to conditions, as there are no, or insufficient, grounds to withhold consent on the basis of 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:

380 GA-04 Rev A, 380 GA-05 Rev C, 380 GA-06 Rev C, 380 GA-07 Rev A, 380 GA-08.

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 saved Policies 3.12 'Quality in Design' and 3.13 'Urban Design' The Southwark Plan 2007 (July) and SP12 -Design and Conservation of the Core Strategy 2011.

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DULWICH COMMUNITY COUNCIL

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

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