

Dulwich Community Council

Planning

Thursday 10 May 2012
7.00 pm

Kingswood House, Seeley Drive, Dulwich, London SE21 8QR

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: Tuesday 1 May 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 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 (Pages 5 - 7)

6. DEVELOPMENT MANAGEMENT ITEMS (Pages 8 - 13)

6.1. LAND ADJACENT TO 7 - 14 SPINNEY GARDENS, LONDON SE19 1LL (Pages 14 - 40)

6.2. 266 TURNEY ROAD, LONDON SE21 7JP (Pages 41 - 54)

6.3. 2, WOODHALL DRIVE, LONDON SE21 7HJ (Pages 55 - 70)

Date: Tuesday 1 May 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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Dulwich Community Council

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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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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 12 April 2012 at 7.00 pm at Dulwich Grove United Reformed 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 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 Councillors Helen Hayes and Jonathan Mitchell. Apologies for lateness were received from Councillor Rosie Shimell.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

A member made a declaration regarding the following agenda item:

Councillor Andy Simmons, personal and non prejudicial, advised that he knew one of the objectors who resided at no 3 Carver Road which is within close proximity of the development site. He therefore decided not to take part in the debate or decision.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair informed the community council of the following additional documents circulated prior to the meeting:

- Addendum report relating to item 6.1 – development management items
- A written letter from objectors relating to item 6.1

5. MINUTES

RESOLVED:

That the minutes of the meeting held on the 26 March 2012 be approved as a correct record and signed by the chair

6. DEVELOPMENT MANAGEMENT ITEMS

6.1 1, CARVER ROAD, LONDON SE24 9LS

At this juncture Councillor Andy Simmons left the meeting.

Planning application reference number 11-AP-3976

Report: See pages 15 – 26 of the agenda and the addendum report

PROPOSAL

Loft conversion including dormer extension to the rear roof slope, 2 x rooflights to the side roof slope and 1 x rooflight in the front elevation roof slope of main dwelling. Rebuilding of the existing side extension with creation of basement extension with rear lightwell, blocking up of existing garage door and installation of a window, and the erection of a single storey ground floor rear extension. All in connection with increased residential accommodation for dwellinghouse.

The community council heard an officer's introduction to the report and members asked questions of the officer.

Members were informed the objectors that were unable to attend the meeting requested a deferral of the application because they were unable to make representations in person.

There were no objectors present. Members heard representations from the applicant.

There were no local supporters or ward members who wished to speak.

Members debated the application and asked questions of the officers.

RESOLVED:

That planning application 11-AP-3976 be granted subject to conditions and amended conditions set out in the addendum report.

The meeting ended at 7.45 pm.

CHAIR:**DATED:**

Item No. 6.	Classification: Open	Date: 10 May 2012	Meeting Name: Dulwich Community Council
Report title:		Development Management	
Ward(s) or groups affected:		All	
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 & 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. 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).
18. 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. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the 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. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
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. 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.
21. The National Planning Policy Framework (NPPF) is intended to bring together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. It is a consultation document and therefore may be subject to potential amendment. It is capable of being a material consideration, although the weight to be given to it is a matter for the decision-maker. The current Planning Policy Statements, Guidance notes and Circulars remain in place until cancelled.

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	7 February 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Deputy Chief Executive	No	No
Head of Development Management	No	No

ITEMS ON AGENDA OF THE DULWICH CC
on Thursday 10 May 2012

Appl. Type Full Planning Permission
Site LAND ADJACENT TO 7-14 SPINNEY GARDENS, LONDON, SE19 1LL

Reg. No. 11-AP-1923
TP No. TP/4030-A
Ward College
Officer Terence McLellan

Recommendation GRANT PERMISSION

Proposal

The construction of 4 low energy maisonettes with associated services and landscaping.

Item 6.1

Appl. Type Full Planning Permission
Site 266 TURNEY ROAD LONDON SE21 7JP

Reg. No. 12-AP-0260
TP No. TP/2292-50
Ward Village
Officer Victoria Lewis

Recommendation GRANT PERMISSION

Proposal

Variation of condition 2 (approved plans) of permission reference 11-AP-2465 dated 16/11/2011 (for 'erection of a two storey dwellinghouse') to provide a basement to the dwelling.

Item 6.2

Appl. Type Full Planning Permission
Site 2 WOODHALL DRIVE, LONDON, SE21 7HJ

Reg. No. 12-AP-0200
TP No. TP/2084-2
Ward College
Officer Marina Lai

Recommendation REFUSE PERMISSION

Proposal

Temporary change of use (for 12 months) of a residential swimming pool (Class C3) to allow babies/toddlers swimming lessons between 10:30 am and 2 pm, on 1 day a week with ancillary parking

Item 6.3

LAND ADJACENT TO 7-14 SPINNEY GARDENS, LONDON, SE19 1LL

Ordnance Survey

Date 25/4/2012



Agenda Item 6.1

Crystal Palace Park
14

Item No. 6.1	Classification: OPEN	Date: 10 May 2012	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 11/AP/1923 for: Full Planning Permission Address: LAND ADJACENT TO 7-14 SPINNEY GARDENS, LONDON, SE19 1LL Proposal: The construction of 4 low energy maisonettes with associated services and landscaping.		
Ward(s) or groups affected:	College		
From:			
Application Start Date 29 June 2011		Application Expiry Date 24 August 2011	

RECOMMENDATION

- 1 Grant Detailed Planning Permission, subject to conditions.

BACKGROUND INFORMATION

- 2 This application has been referred to the Dulwich Community Council due to the number of objections received.

Site location and description

- 3 The application site refers to the triangular plot of land located adjacent to Nos. 7 - 14 Spinney Gardens immediately to the west of the Crystal Palace Parade embankment. The site is accessed from Bowley Lane leading to Spinney Gardens and is located off Farquhar Road. The surrounding built environment is residential in nature characterised by fairly modern dwellings on Spinney Gardens and Bowley Lane with areas of car parking along the stretch of Spinney Gardens below the embankment. Spinney Gardens and Bowley Lane are secluded from the surrounding area by the Crystal Palace Parade Embankment to the east and Dulwich Upper Wood to the west and south.
- 4 The application site is currently heavily planted with trees, a small vehicular turning area and a pathway from Spinney Gardens through to Bowley Lane. Neighbouring Dulwich Upper Wood is designated as an area of Metropolitan Open Land (MOL) and a Site of Importance for Nature Conservation. The application site borders the nature reserve and area of MOL however it is not designated as either. The site is not located within a Conservation Area nor does it refer to any listed buildings.

Details of proposal

- 5 Planning consent is sought for the erection of four maisonettes accessed from Spinney Gardens and located within the north west corner of the site immediately adjacent to the nature reserve and MOL. the proposed maisonettes are modular in form, rising to two storeys and accommodating two bedrooms each. Living space will be open plan and outdoor amenity space will be provided (rear gardens for ground

floor units and front gardens for first floor units). The application initially included four car parking spaces and an underground water storage tank however these have been removed from the plans in order to reduce the impact on trees and the surrounding area.

Planning history

- 6 10/AP/2165 - The construction of 4 maisonettes on ground and first floor levels, with landscaping and 4 parking spaces, including works to trees.
Withdrawn - 24/11/2010
- 7 10/EQ/0059 - Low energy design for residential development of 4 no 2 bedroom flats.
Pre-application advice.

Planning history of adjoining sites

- 8 36 Spinney Gardens
09/AP/2899 - (1) Ash- To fell to near ground Level, (2) Ash- To remove one lower limb and remove deadwood, (3) Large horse chestnut- to grown lift to give 5m ground clearance, prune back from building to give 3m clearance and remove major deadwood.
Withdrawn - 21/10/2010
- 9 25 Spinney Gardens
09/AP/2529 - Silver Birch - To fell near ground level and grind out resulting stump.
Withdrawn - 21/10/2010
- 10 13 Burntwood Crescent
00/AP/0649 - Conversion of loft space to bedroom in connection with use of the property as a single dwelling house plus insertion of velux window to front and rear roof pitches.
Approved - 22/06/2000

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 and the National Planning Policy Framework;
 - b) The impact on the residential and visual amenity of the area;
 - c) Design quality;
 - d) All other relevant material planning considerations.

Planning policy

Core Strategy 2011

- 12 SP1 - Sustainable Development
SP2 - Sustainable Transport
SP5 - Providing New Homes
SP11 - Open Spaces and Wildlife
SP12 - Design and Conservation

SP13 - High Environmental Standards
 SP14 - Implementation and Delivery

Southwark Plan 2007 (July) - saved policies

- 13 For 12 months from 27 March 2012 weight can continue to be given to relevant local planning policies adopted in accordance with the Planning and Compulsory Purchase Act 2004, and those in the London Plan, in making decisions on planning applications even if there is a limited degree of conflict with the National Planning Policy Framework (NPPF). The weight given to the saved policies of the Southwark Plan should be according to their degree of consistency with policies in the NPPF.

Policy 3.2 Protection of amenity
 Policy 3.12 - Quality in design
 Policy 3.13 Urban design
 Policy 3.14 Designing out crime
 Policy 3.28 Biodiversity
 Policy 4.2 Quality of residential accommodation
 Policy 5.2 Transport impacts
 Policy 5.3 Walking and cycling
 Policy 5.6 Car parking

National Planning Policy Framework (NPPF)

- 14 The NPPF came into effect on 27 March 2012. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in favour of sustainable development.

4). Promoting sustainable transport
 6). Delivering a wide choice of high quality homes
 7). Requiring good design.
 11). Conserving and enhancing the natural environment.

Principle of development

- 15 In land use terms the site is not designated as Metropolitan Open Land, nor does it have any other underlying designations that would lead to an objection in principle to the development of the site for residential purposes. The application site is not identified as a site of importance for nature conservation and as such it is considered that there will be no conflict of use detrimental to amenity.

Environmental impact assessment

- 16 The proposed development lies outwith the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and as such an EIA is not required in this instance.

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

- 17 Overall, the units successfully manage to avoid adverse impacts on the visual and residential amenity of the area. The separation distances between the proposed maisonettes and the existing dwellings on Spinney Gardens will ensure existing

residential properties do not suffer a loss of amenity in terms of a loss of daylight/sunlight, loss of outlook or a loss of privacy as a result of the proposal. The loss of trees on site to accommodate the new dwellings will not have an adverse impact on the visual amenity of the area.

Quality of residential accommodation

- 18 The proposed development will provide a good standard of living accommodation with all rooms and units exceeding the minimum space requirements of the SPD: Residential Design Standards and The London Plan 2011. Amenity space will be provided for all units with the ground floor units benefitting from larger rear gardens and the first floor units having access to smaller front gardens. Whilst this approach is considered acceptable it is considered that any shortfall in private outdoor amenity space can be compensated by the proximity of the development to Dulwich Upper Wood and Crystal Palace Park. As such the proposal is considered acceptable in terms of the quality of accommodation proposed and the level of outdoor amenity space.

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

- 19 There will be no conflict of use detrimental to amenity.

Traffic issues

- 20 The proposed development has been amended to remove car parking in order to reduce the impact on trees. It is not considered that the proposal will have an adverse impact on traffic generation or parking.

Cycle storage

- 21 The applicant is providing secure cycle parking to the front of the dwellings in the form of cedar clad bike sheds at ground floor level. These cycle parking sheds are located within the front gardens for the first floor flats and as such may compromise the quality of the proposed outdoor amenity space if they are to be used by the ground floor residents also. As such it is considered appropriate to impose a planning condition to secure details of cycle parking prior to development taking place. The relevant condition will be imposed on any consent issued.

Car Parking

- 22 Given that the proposed site is not located within a Controlled Parking Zone, the Council do not have the power to control any overspill parking that may occur as a result of this development. Developments are required to provide off street parking to avoid any overspill parking associated with the development. However, given that this is for four maisonettes, and given the site constraints associated it is noted that it is not possible to provide any off street parking. The lack of parking is considered acceptable in this location due to the availability of parking on surrounding streets and the high PTAL level. The provision of four flats is not considered to have an unacceptable impact on the local area in terms of parking problems.

Design issues

- 23 In terms of bulk and mass, it is noted that surrounding residential development is characterised by pitched roof two storey terraced housing. The proposed development is a modular residential building rising to two storeys which would be lower in height than all the surrounding dwellings on Spinney Gardens and Bowley Lane. The benefit of the flat roofed design is the reduced mass and the incorporation of sedum roofs.

- 24 The elevations are considered acceptable and are designed to make full use of available daylight/sunlight whilst limiting the impact on the residential amenity of the dwellings on Spinney Gardens and the front gardens for the first floor units. As such the front elevation seems to lack visual interest due to the lack of windows on the north facing facades however the appropriate use of a variety of materials will help to provide a sufficient degree of articulation. Materials include Terracotta clay mathematical tiles, cedar boarding, copper roofing and aluminium clad timber windows. All windows on the front elevation are located on the returns in order to minimise overlooking of the properties on Spinney Gardens and this is considered to be an appropriate response to the sites locality.
- 25 The aims of the scheme to deliver and environmentally friendly housing is welcome and the construction techniques used, such as steel piles as opposed to concrete foundations will avoid damage to tree roots. The use of sustainable urban drainage principles is also to be encouraged. The proposed development is considered acceptable in terms of design and as such complies with saved policy 3.12 - Quality in design of The Southwark Plan 2007 (July) and Strategic Policy 12 - Design and Conservation of The Core Strategy 2011.

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

- 26 The development will have no adverse impact on any listed buildings or conservation areas.

Impact on trees

- 27 The site is protected by a woodland Tree Preservation Order (ref. 415 confirmed 28/03/2012) which includes all trees on the site. These are characterised by a dense area of semi-mature self sown and planted native and non-native trees together with some larger specimens. Crowns of mature native specie trees overhang the site from the adjacent Dulwich Wood Nature Reserve which is also protected by TPO (ref. 4030 dated 10/07/1988).
- 28 Approximately two thirds of the site by area is affected by the proposed construction of two co-joined timber framed buildings with screw pile foundations. The arboricultural implications assessment contained within the arboricultural report by Indigo dated 26/07/2011 adheres to BS5837 Trees in relation to construction. It recommends six trees should be removed due to irredeemable structural defects and limited contribution to amenity. A total of 67 trees and three smaller tree groups are recorded.
- 29 In order to facilitate development 13 low quality and 14 moderate quality trees will require removal, totalling 2032 sq cm girth. Pruning of 10 tree crowns to provide clearance is also proposed. An unspecified number of replacement tree planting with native species is recommended. In total 49% of trees are proposed for removal representing 36% of the stem girth growing on site. The amended plans show the four car parking spaces are removed together with the proposed buried water recycling tank. These revisions are noted as being necessary to prevent damage to tree roots. Although a significant number of trees are proposed for removal the foundation design and construction method would allow damage to retained trees to be prevented. As such there are no objections to the proposed development subject to a comprehensive set of planning conditions relating to tree protection measures, landscaping, re-planting and woodland management.

Planning obligations (S.106 undertaking or agreement)

- 30 No planning obligations or S106 Agreements are required for an application of this

nature.

Sustainable development implications

- 31 The proposed dwellings are designed as energy efficient and as such are considered sustainable in principle. The development makes use of natural materials and sustainable building methods including screw foundations, sedum roofs and natural drainage. The proposed dwellings will feature a high level of insulation and as such will reduce energy use. The development of four flats in itself raises no sustainability concerns.

Ecological impact and the local nature reserve

- 32 An Ecological report has been completed for the proposed development which included bat surveys in May and August at both dusk and dawn. A number of bat species have been recorded within 1km of the survey area including Daubentons bat, Natterers bat, Noctule bat, Serotine, Common Pipistrelle and Soprano Pipistrelle. There are also records of Stag Beetles within 1 km of the survey area with the closest records dating to 1998 approximately 160 metres from the survey area and is also known to occur in the Dulwich Upper Wood area. Further species within the surrounding area include Hedgehogs and several bird species including Redwing, Brambling, Lesser Spotted Woodpecker, Herring Gull and Spotted Flycatcher. The latter three are Biodiversity Action Plan (BAP) species. Several surveys were undertaken and the Councils Ecology officer has raised no objection subject to conditions. The Ecology Officer has also confirmed that the Ecological Report has been completed in line with best practice.

Habitats

- 33 In terms of habitats, the report concludes that there are no statutorily protected habitats on site and all plant species within the survey area are considered to be common at local and regional levels. The trees within the woodland and the ground flora in this area are not particularly diverse. Woodland is however identified as a Southwark Biodiversity Action Plan habitat and the loss of this habitat should be minimised as far as possible or replaced through replanting. The connectivity of the site (line of trees) should be retained either by retaining the trees along the north and south boundary or through creating a new link through native tree and shrub planting. In order to enhance the Ecological value of the site all new tree and shrub planting should as a minimum contain 50% native species or species with a known attraction to wildlife. The larger trees on the western boundary should be retained and protected during construction works with no vehicles or materials to be located within the fence line. These points can be accomplished through planning conditions as mentioned in the Impact on trees section above.

Great Crested Newts

- 34 The report states that no ponds are located on site and no ponds are shown on OS maps within 250 metres of the survey area. No records of this species exist within 1km of the survey area and no implications are thought to exist for the proposals with regards to this species. Several of the letters of objection have raised the issue that there are in fact two ponds located approximately 60-80 metres from the application site. The councils Ecology Officer has been made aware that there are ponds within 250 metres of the site that were not identified in the Ecological Report and no objections have been raised with regards to this species.

Bats

- 35 The majority of the trees within the survey area are not suitable as roosting sites for bats - the exception being a number of mature trees on the western site boundary which have features that could be used by small numbers of bats. No bats were recorded exiting or returning to these trees during the dusk/dawn surveys indicating

that they are not being used as roosting sites. As these trees have low to medium potential to be used as bat roosts and that bats are active in the area it is recommended that tree felling/lopping is undertaken using soft felling techniques to avoid any harm to bats. If any bats are discovered during works then all operations should cease and a licensed bat ecologist and Natural England should be contacted for advice. The woodland on site was identified as a minor commuting route for both Common and Soprano Pipistrelles. In order to retain this corridor a band of trees should be retained or replanted along the northern or southern site boundary and this can be accomplished by the arboricultural conditions outlined in the Impact on trees section above. It is also considered that at least two bat boxes should be installed as part of the proposals.

Water Voles, Otters, Badger Setts and Reptiles

- 36 No habitat with the potential to support Water Voles or Otters was identified on or near the application site. No evidence of badger setts or badger activity was identified within 30 metres of the survey area. No records of reptiles exist within 1 km of the survey area and there are no recordings of any high quality potential reptile habitats within the survey area.

Stag Beetles

- 37 The site does not contain extensive dead wood and is not thought to represent high quality potential for Stag Beetles. This species does occur within the adjacent Dulwich Upper Wood and appropriate precautions should be taken to protect the adjacent woodland.

Hedgehogs

- 38 The site does not contain any good quality potential refuge sites for hedgehogs however it is recommended that site clearance is undertaken with care for this species in mind and any discovered hedgehogs should be transported to cover within the adjacent Dulwich Upper Wood.

Birds

- 39 Birds may nest in the trees and shrubs on site and where possible works to remove a suitable nesting habitat should be undertaken outside of the nesting season which runs from March to August. If this is not possible then areas of suitable nesting habitat should be surveyed for the presence of nesting birds by a suitably experienced person immediately prior to the commencement of works on site. Nesting birds discovered during the works should remain undisturbed until nesting is complete. As with the bat boxes required above it is recommended that at least four bird boxes should be installed on site.

Ecology conditions

- 40 In assessing the proposed development and the submitted Ecological Assessment, the Councils Ecology Officer has recommended the following condition;

Prior to the commencement of development a scheme for the provision and management of a buffer zone alongside the adjacent Local Nature Reserve and Site of Importance for Nature Conservation shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The scheme shall include a permanent 10 metre buffer zone along the boundary of Dulwich Upper Wood LNR.

- 41 This condition is required in order to prevent adverse impacts on a Local Nature Reserve & a Site of Importance for Nature Conservation, to ensure compliance with Planning Policy Statement 9 and Policy. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of

species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change. This is also consistent with the existing buffer zone created when the Spinney Gardens development was constructed.

- 42 In this instance the proposed dwellings are located close to the boundary with the LNR and as such a 10 metre buffer cannot be accommodated. Given the location of a footpath within the LNR in close proximity to the boundary of the application site it is considered that this condition can be omitted subject to satisfactory boundary treatment in order to clearly define the boundary of the application site and the LNR and to maintain the protection of the LNR during and post development. The impact of the flank elevation of the dwelling on the LNR in the presence of the existing footpath just within the LNR boundary is considered to be very limited and as such the proposal is considered acceptable without the 10 metre buffer.

Other matters

- 43 Section 143 of the Localism Act 2011 states the any financial sum that an authority has received, will, or could receive in the payment of CIL as a material “local financial consideration” in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail. CIL is payable on this application. The applicant has completed the relevant form.

Conclusion on planning issues

- 44 The proposed development to provide four flatted dwellings is considered acceptable within the context of the surrounding area. The loss of the trees identified in the Arboricultural Report is acceptable subject to the conditions recommended by the Councils Urban Forester. The design of the dwellings is considered acceptable and there will be a limited impact on the visual and residential amenity of the area. The proposed development does not present a threat to the ecology of the area or the LNR. The development complies with the relevant saved policies of The Southwark Plan 2007 (July), The Core Strategy 2011 (April) and the provisions of The National Planning Framework and as such it is recommended that planning permission be granted subject to conditions.

Community impact statement

- 45 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) There are no issues relevant to particular communities/groups.

c) There are no likely adverse or less good implications for any particular communities/groups.

Consultations

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

Consultation replies

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

48 Summary of consultation responses

All comments received in response to the proposed development have been summarised and addressed below;

Internal Consultees;

- 49 Design and Conservation – The application was taken to Design Surgery and no objections were raised.

Response - Noted and agreed.

- 50 Ecology Officer – No objections have been raised subject to the attachment of several conditions relating to vegetation clearance, biodiversity enhancement, protection of the local nature reserve and ecological monitoring.

Response - All relevant conditions will be imposed on any consent issued with the exception of the condition relating to the protection of the Local Nature Reserve. This condition requires a 10 metre buffer zone between the development and the LNR. In this instance the proposed dwellings are located close to the boundary with the LNR and as such a 10 metre buffer cannot be accommodated. Given the location of a footpath within the LNR in close proximity to the boundary of the application site it is considered that this condition can be omitted subject to satisfactory boundary treatment in order to clearly define the boundary of the application site and the LNR and to maintain the protection of the LNR during and post development. The impact of the flank elevation of the dwelling on the LNR in the presence of the existing footpath just within the LNR boundary is considered to be very limited and as such the proposal is considered acceptable without the 10 metre buffer.

- 51 Transport – No objection subject to conditions regarding cycle parking.

Response - Noted and agreed, the relevant conditions will be attached to any consent issued.

- 52 Urban Forester – No objection subject to conditions.

Response - Noted and agreed, the relevant conditions will be attached to any consent issued.

External Consultees;

- 53 London Borough of Bromley - No objections.

Response - Noted.

- 54 Metropolitan Police -No objections.

Response - Noted.

- 55 Natural England - No objections.

Response - Noted.

- 56 Thames Water - No objections.

Response - Noted.

- 57 Following neighbour consultation, 47 letters of objection have been received, the main points of which have been summarised and addressed below;
- 58 **Objection** - The proposed development will destroy the peacefulness of the forest and the surrounding area. The use of this land for housing will ruin the look of the Spinney Gardens design and will impact on the privacy of the residents.
Response - The proposed dwellings are located a sufficient distance from those on Spinney Gardens and Bowley Lane to ensure there will be no loss of privacy. The inclusion of four dwellings within this areas not considered to a be a potential threat to the peacefulness of the adjacent Dulwich Upper Wood nor will the dwellings detract from the look of the surrounding built environment.
- 59 **Objection** - The existing dwellings in Spinney Gardens are very well designed and the proposed development is of a poor design that will be at odds with the character of the area.
Response - The proposed dwellings are of an acceptable design, incorporating sedum roofs that will help integrate the development with the surrounding natural environment. The surrounding area is characterised by different house types on Bowley Lane and Spinney Gardens and the proposal will not have a negative impact on the established townscape.
- 60 **Objection** - The use of the land for private housing will have no benefit to the community. Cheaper and more affordable housing is what's required and the proposed development has been designed to maximise profit.
Response - Affordable housing is required throughout the Borough however affordable housing is only required on schemes of 10 or more units. The application site cannot accommodate any more than four units and as such the tenure of the dwellings is considered acceptable.
- 61 **Objection** - The development will have an adverse impact on parking in Spinney Gardens and the construction works will cause a disturbance in terms of noise and congestion with heavy, polluting vehicles.
Response - The lack of parking is considered acceptable in this location due to the availability of parking on surrounding streets and the high PTAL level. The provision of four flats is not considered to have an unacceptable impact on the local area in terms of parking problems.
- 62 **Objection** - The proposed development will cause an undue nuisance and disturbance to the peaceful forest and the associated wildlife, flora, fauna and local community and will have an adverse impact on the sensitive ecosystem that includes stag beetles and pipistrelle bats.
Response - The Ecological Assessment and consultees including the Councils Ecology Officer and Natural England have raised no objections. It is not considered that a small development of four flats will have an undue impact on the adjacent LNR.
- 63 **Objection** - The privacy of walkers enjoying the solitude of the forest and walkways will be affected by the proposed dwellings which will force wildlife away and damage trees.
Response - The amenity and privacy of the Dulwich Upper Wood will not be compromised by the construction of four dwellings on land outside of the LNR a short distance from existing areas of housing. Trees within the LNR and those to be retained on the application site will be protected during the course of construction by way of planning conditions.

- 64 **Objection** - The use of this land for housing is at odds with the aims of the Environment White Paper which says we should plant more woodland and increase biodiversity.

Response - The application site is not Metropolitan Open Land or Borough Open Land and it lies outside of the LNR. As such the principle of housing on the site subject to conditions is acceptable in line with the relevant planning policy documents. The Environment White Paper is not a material planning consideration and does not carry any weight in planning decisions.

- 65 **Objection** - The new dwellings will directly overlook the existing dwellings on Bowley Lane and the loss of the trees will destroy the pleasant views. Furthermore, the reduced tree area will affect how much space the children have to play.

Response - The development of the site will have no impact on the privacy of the dwellings on Bowley Lane which lie a distance of 13 metres away from the proposed dwellings. The dwellings on Bowley Lane are also not directly facing the application site - instead lying to the south east of the proposed dwellings. As has been established in planning law, nobody is entitled to a view over a third parties land and there will still be adequate space for children to play within the area post construction of four maisonettes.

- 66 **Objection** - Each apartment occupies an area of approximately 100 square metres and will have two bathrooms each. This is much bigger than existing dwellings in the area that are roughly 70 square metres with one bathroom each.

Response - The proposed dwellings meet the requirement of the SPD: residential Design Standards in relation to room sizes and each apartment is approximately 85-90 square metres which is considered a good size for a two bedroom property. This is not considered excessive and the inclusion of two bathrooms is acceptable. The size of the dwellings are comparable to those of the surrounding area and are considered acceptable.

- 67 **Objection** - The woods are a nature reserve and as such should be protected. Furthermore the Spinney is a safe place for children to play and this will be lost.

Response - The Dulwich Upper Wood is indeed a Local Nature Reserve and should be protected however the application site lies outside the LNR and has no designations under the Southwark Plan 2007 (July) or the Core Strategy 2011 and as such the principle of housing on the site is acceptable. As detailed previously, the construction of four maisonettes will have no impact on local children and there will still be sufficient leisure space for children within the area.

- 68 **Objection** - During the construction of the existing dwellings the landowners decided to leave the Spinney as it is in order to provide a buffer/screen between the dwellings on Bowley Close/Lane and those of Spinney Gardens. The removal of this land to build houses will spoil the unique feature of Spinney Gardens and will clash with the design of the existing dwellings in the area.

Response - It is not considered that the provision of four maisonettes on half of the site at Spinney Gardens will impact on the character or nature of the site. The dwellings are considered to be of an acceptable design and will have no adverse impact on the appearance of the existing dwellings at Spinney Gardens or Bowley Lane which are neither listed nor are they located within a conservation area.

- 69 **Objection** - The development will reduce the daylight and sunlight to the dwelling at 7 Bowley Lane and neighbouring dwellings and will destroy the private view.

Response - The trees of the LNR and the trees to be retained on site are much higher than the proposed dwellings therefore there will be no loss of daylight and sunlight to the dwelling at 7 Bowley Lane as a result of the proposed dwellings. As has been established in planning law, nobody is entitled to a view over a third parties land.

- 70 **Objection** - This is one of the last remaining areas of ancient woodland in south London and its loss should be resisted. The loss of trees will impact negatively on air quality as trees help reduce particulate pollution along with nitrogen dioxide, sulphur dioxide and ozone. This is not consistent with Southwark's vision to make air quality a priority.
Response - The loss of the identified trees on site is not anticipated to have an adverse impact on air quality within the area and does not contradict the Council's objectives with regards to Air Quality Management.
- 71 **Objection** - The occupiers of the proposed development will add undue pressure to local resources and services.
Response - It is not anticipated that the addition of four dwellings will have any noticeable impact on local resources or services.
- 72 **Objection** - The proposal, by destroying the Spinney, would remove an integral landscape element of the original design and in so doing would result in a loss of architectural quality to the housing scheme, a significant loss of amenity to homes on Spinney Gardens and on Bowley lane and the loss of an ecological asset.
Response - As previously mentioned the construction of four flats on half the site at Spinney Gardens will have no impact on the architectural quality or appearance of the existing dwellings which are not listed nor are they located within a conservation area. The site is not within the protected LNR nor is it Metropolitan or Borough Open Land and as such the principle of housing is acceptable. The application site will retain a number of trees and will include replanting as part of planning conditions. As concluded in the Ecological Report there will be no adverse impact on the ecology of the area or biodiversity as a result of four dwellings on this small site.
- 73 **Objection** - Removal of the half hammerhead turning circle will compromise safe manoeuvring of vehicles, including service and emergency vehicles.
Response - The turning circle/hammerhead is not being removed.
- 74 **Objection** - The development will result in an overdevelopment of the area and will not comply with current policy levels.
Response - The site can easily accommodate four dwellings which is not an overdevelopment of the site nor is it as dense as the Spinney Gardens development.
- 75 **Objection** - The underground work to service the new dwellings will have an adverse impact on tree roots.
Response - The impact on tree roots will be limited by the method of construction which will not result in large scale land excavation for foundations. Furthermore, tree roots will be protected by way of planning conditions.
- 76 **Objection** - There is a Tree Preservation Order on the site from 1988 and a further Order from 2011. The applicant has stated that they proposal to remove 33 trees when in fact the actual number requiring removal for the development to take place is more than 90 trees.
Response - The Council's Urban Forester has been consulted on the proposal and has raised no objections. In order to facilitate development 13 low quality and 14 moderate quality trees will require removal, totalling 2032 sq cm girth. Pruning of 10 tree crowns to provide clearance is also proposed. An unspecified number of replacement tree planting with native species is recommended. In total 49% of trees are proposed for removal representing 36% of the stem girth growing on site. The amended plans show the four car parking spaces are removed together with the proposed buried water recycling tank. These revisions are noted as being necessary to prevent damage to tree roots. Although a significant number of trees are proposed for removal the foundation design and construction method would allow damage to

retained trees to be prevented. As such there are no objections to the proposed development subject to a comprehensive set of planning conditions relating to tree protection measures, landscaping, re-planting and woodland management.

- 77 **Objection** - The application seeks permission to build on land over which the applicant has no legal right to build, including over areas which lease holders have a legal right to access and use. Granting permission would entail sanctioning a breach by the freeholder of rights and obligations under the lease and would breach a 25 year old agreement to maintain the land as landscaped woodland.

Response - The applicant is the freeholder of the site. Issues with regards to leases or covenants are not material planning considerations, they are civil issues to be resolved between the parties involved.

- 78 **Objections** - There are several concerns regarding the Ecological Report which lists six species of bat within 1km of the site when according to the London Bat Group there are in fact nine. The application site is part of an ecologically important bat corridor.

Response - The Ecological Report has been reviewed by the Councils Ecology Officer who has confirmed that the report has been completed in line with best practice. Six species of bat were identified in the survey and relevant conditions have been recommended to ensure their protection. The woodland on site was identified as a minor commuting route for both Common and Soprano Pipistrelles. In order to retain this corridor a band of trees should be retained or replanted along the northern or southern site boundary and this can be accomplished by arboricultural conditions. It is also considered that at least two bat boxes should be installed as part of the proposals.

- 79 **Objection** - The Ecological report states that there are no ponds within 250m of the application site when in fact there are two ponds located 60/80 metres away with a healthy population of toads, newts and frogs.

Response - The Ecology report actually states that no ponds are located on site and no ponds are shown on OS maps within 250 metres of the survey area. Several of the letters of objection have raised the issue that there are in fact two ponds located approximately 60-80 metres from the application site. The councils Ecology Officer has been made aware that there are ponds within 250 metres of the site that were not identified in the Ecological Report. It is not anticipated that four dwellings will have an adverse impact on these ponds.

- 80 **Objection** - The occupier of 8 Spinney Gardens will be looking onto dustbin stores within four paces of their amenity space which is contrary to European Legislation. The development will also have an adverse impact in terms of overshadowing and a loss of daylight and sunlight.

Response - The occupier of 8 Spinney Gardens will look onto the front garden of the proposed dwellings which is not considered to be an adverse impact. Bin stores can be agreed by condition and may be concealed minimising any potential impacts. Given the height of the existing trees on site it is not considered that a two storey dwelling located at an angle to the dwelling at 8 Spinney Gardens will result in a loss of daylight and sunlight.

- 81 **Objection** - The proposed dwellings will reduce the green carpet effect and given the hilly terrain of the adjoining Dulwich Upper Wood there may be a further issue with regards to drainage that could lead to flash floods.

Response - The method of construction will reduce the impact of foundations and site clearance and will promote natural drainage. The lack of areas of hardstanding will prevent any issues with regards to drainage problems. Four dwellings will not result in flash floods within the area or the LNR.

- 82 **Objection** - The report claims that the area does not contain good quality refuge sites for hedgehogs when examination of the site shows plenty of good quality refuge sites.
Response - The Ecological Report notes that the site does not contain any good quality potential refuge sites for hedgehogs however it is recommended that site clearance is undertaken with care for this species in mind and any discovered hedgehogs should be transported to cover within the adjacent Dulwich Upper Wood.
- 83 **Objection** - In terms of stag beetles the report states that only very small amounts of dead wood were identified within the site when in fact there are large amounts of dead wood and log piles providing a habitat for stag beetles.
Response - The Ecological Report notes that the site does not contain extensive dead wood and is not thought to represent high quality potential for Stag Beetles. This species does occur within the adjacent Dulwich Upper Wood and appropriate precautions should be taken to protect the adjacent woodland.
- 84 **Objection** - The applicant has incorrectly completed Certificate B in the Planning Application Form.
Response - The applicant has completed Certificate A in the application form which, as freeholder of the site, is the correct certificate in this instance,
- 85 **Objection** - The dwellings at Spinney Gardens are set back 12 metres from the Local Nature Reserve in order to maintain a safe and reasonable distance whereas the proposal includes no such buffer zone.
Response - The Ecology Officer recommended a condition to ensure a 10 metre buffer between the site and the LNR. In this instance the proposed dwellings are located close to the boundary with the LNR and as such a 10 metre buffer cannot be accommodated. Given the location of a footpath within the LNR in close proximity to the boundary of the application site it is considered that this condition can be omitted subject to satisfactory boundary treatment in order to clearly define the boundary of the application site and the LNR and to maintain the protection of the LNR during and post development. The impact of the flank elevation of the dwelling on the LNR in the presence of the existing footpath just within the LNR boundary is considered to be very limited and as such the proposal is considered acceptable without the 10 metre buffer.
- 86 **Objection** - The application calls for the removal of a significant number of trees (33 individually itemised) and this will effectively terminate the sites roles as a green corridor.
Response - The applicant intends to remove a number of trees from the site that are of varying quality. The Urban Forester has reviewed the document and the proposed tree removal and has raised no objections subject to landscaping conditions. The application site is not identified as Open Space, MOL or BOL under the saved Southwark Plan 2007 or The Core Strategy 2011 and as such does not represent the loss of open space or a green corridor.
- 87 **Objection** - The application fails to comply with Southwark Councils own guidelines that state that development should create, preserve and enhance open spaces and green corridors where appropriate.
Response - The application site is not identified as Open Space, MOL or BOL under the saved Southwark Plan 2007 or The Core Strategy 2011 and as such does not represent the loss of open space or a green corridor.
- 88 **Objection** - The scheme may constitute a backland development within the area of The Dulwich SPD.
Response - The proposed development site is on the highway and is not considered a backland site.

- 89 **Objection** - The survey period for the Ecological report was insufficient being carried out for a few hours on one day and then again at dawn the next morning. The surveyor did not show in the report where they stood to make their observations and no map or diagram showing activity was provided in the report.
Response - The Councils Ecology Officer has reviewed the report and has confirmed that it represents best practice.
- 90 **Objection** - The arboricultural report is not a reliable document to base a decision on as it describes the trees as spindly, of poor quality and of a non diverse species mix when in fact the small site has a diverse and healthy species mix.
Response - The Arboricultural Report and Ecological Report both conclude that there is not a diverse species mix on this small site.
- 91 **Objection** - Some of the trees listed for removal such as the mature sycamores T2 and T3 sit on the boundary with the LNR and their root systems reach into both the site and the LNR playing an important role in the ecology and biodiversity of the LNR and their removal would impact negatively on the LNR. Tree T12 is listed in the arboricultural report for removal however this tree is not within the application site, instead it is within the adjacent LNR and plays an important role. Tree T55 is within the main application site and is listed as Goat Willow - 'corrected lean, deadwood throughout' when in fact it appears to be alive and well.
Response - In order to facilitate development 13 low quality and 14 moderate quality trees will require removal, totalling 2032 sq cm girth. Pruning of 10 tree crowns to provide clearance is also proposed. An unspecified number of replacement tree planting with native species is recommended. In total 49% of trees are proposed for removal representing 36% of the stem girth growing on site. The amended plans show the four car parking spaces are removed together with the proposed buried water recycling tank. These revisions are noted as being necessary to prevent damage to tree roots. Although a significant number of trees are proposed for removal the foundation design and construction method would allow damage to retained trees to be prevented. As such there are no objections to the proposed development subject to a comprehensive set of planning conditions relating to tree protection measures, landscaping, re-planting and woodland management.
- 92 **Objection** - The section of the site referred to as G3 is noted in the report to have trees in it (estimated at 60) of which only five are itemised and only one T64 is identified for removal. This is misleading as all trees other than T63; T65-T67 would be removed as would the screen between Spinney gardens and Bowley Lane.
Response - This section of the site was proposed to accommodate car parking which has now been removed from the plans therefore it is unlikely that these trees will be removed. The Urban Forester has reviewed the proposal and raises no concerns subject to conditions as many of the trees are not of sufficient quality for a protection order. Re-planting will take place in line with planning conditions should consent be granted.
- 93 **Objection** - Spinney Gardens is an area of architectural significance within the borough and should be protected in line with Policy 3.15 - Conservation of the Historic Environment.
Response - Spinney Gardens is not a conservation area, grouping of listed buildings or a heritage asset and as such saved policy 3.15 is not relevant. Spinney Gardens is not an area of architectural significance.
- 94 **Objection** - Trees within the LNR would need to be managed to prevent damage to the proposed dwellings - this is unacceptable.
Response - Some trees in the LNR that overhang the application site will need to be managed to facilitate development. This does not mean they will be removed and as such it is reasonable that trees may be pruned for safety reasons.

- 95 **Objection** - Better lighting would be required than that currently shown as the access roads are already very dark and as a result of the development would have increased vehicular and pedestrian activity. Furthermore the path through the Spinney is already very dark and would be further shadowed by a two storey building - there is no provision for lighting this path.
Response - A lighting scheme will be a conditioned requirement of any consent issued and as such appropriate street lighting can be secured by way of planning condition.
- 96 **Objection** - There is no boundary indicator to the north of the proposed dwellings and as such resident would not be aware of the limits of access to the grounds in and around Spinney Gardens or car parking thereby complicating any sense of ownership or responsibility.
Response - The northern boundary will be clearly marked by the hedgerows surrounding the private front gardens of the proposed dwellings. This is considered to clearly differentiate between public and private land.
- 97 **Objection** - The east sector of the application site identified as G3 consists of a mound to a height of approximately 1.4 metres which will need to be removed or excavated to accommodate the parking. This section of the site would also have a very high level of tree loss.
Response - This parking has been removed from the plans and as such there will be no requirement for excavation works.

Human rights implications

- 98 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.
- 99 This application has the legitimate aim of providing 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

- 100 N/A

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/4030-A Application file: 11/AP/1923 Southwark Local Development Framework and Development Plan Documents	Chief Executive's 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 5365 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Neighbour consultee list

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Terence McLellan, Planning Officer	
Version	Final	
Dated	27 April 2012	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	N/A	N/A
Director of Planning	Yes	Yes
Strategic Director of Environment and Leisure	N/A	N/A
Date final report sent to Constitutional Team		27 April 2012

Consultation undertaken

Site notice date: 19/07/2011

Press notice date: Not required.

Case officer site visit date: 19/07/2011

Neighbour consultation letters sent: 06/07/2011 and 11/04/2012

Internal services consulted:

Design and Conservation
Ecology Officer
Transport
Urban Forester

Statutory and non-statutory organisations consulted:

London Borough of Bromley
Metropolitan Police
Natural England
Thames Water

Neighbours and local groups consulted:

As detailed in Appendix 3

Re-consultation:

Re-consultation undertaken for 14 days on 11/04/2012.

Consultation responses received

Internal services

Design and Conservation - No objection.
Ecology Officer - No objection subject to conditions.
Transport - No objection.
Urban Forester - No objection subject to conditions.

Statutory and non-statutory organisations

London Borough of Bromley - No objections.
Metropolitan Police - No objection.
Natural England - No objection.
Thames Water - No objection.

Neighbours and local groups

Crystal Palace Community Association
Crystal Palace Triangle Planning Group
Dulwich Society
Friends of Dulwich Upper Wood
PCKO Architects
Trust for Urban Ecology

Beechfield Road (SE6) No. 35A.

Bowley Lane Nos. 1, 3, 4, 5, 6 and 7.

Brockesley Street (E3) No. 38.

Burntwood View Nos. 2, 6 and 7.

Church Road No. 133 (Norwood Society).

Dunstons Road (SE22) No. 126A.

Gipsy Road No. 216A.

Hamilton Road (SE27) - No property number given.

Jasper Road No. 3.

Orchard Grove No. 35.

Marlowe Court No. 13.

Spinney Gardens Nos. 2, 4, 5, 8, 9, 11, 16, 18, 20, 21, 22, 29, 34, 36 and 45.

APPENDIX 3

Neighbour Consultee List for Application Reg. No. 11/AP/1923

4 BURNTWOOD VIEW LONDON SE19 1LG
3 BURNTWOOD VIEW LONDON SE19 1LG
6 BURNTWOOD VIEW LONDON SE19 1LG
5 BURNTWOOD VIEW LONDON SE19 1LG
7 BOWLEY LANE LONDON SE19 1LH
6 BOWLEY LANE LONDON SE19 1LH
2 BURNTWOOD VIEW LONDON SE19 1LG
1 BURNTWOOD VIEW LONDON SE19 1LG
12 BURNTWOOD VIEW LONDON SE19 1LG
11 BURNTWOOD VIEW LONDON SE19 1LG
14 BURNTWOOD VIEW LONDON SE19 1LG
13 BURNTWOOD VIEW LONDON SE19 1LG
8 BURNTWOOD VIEW LONDON SE19 1LG
7 BURNTWOOD VIEW LONDON SE19 1LG
10 BURNTWOOD VIEW LONDON SE19 1LG
9 BURNTWOOD VIEW LONDON SE19 1LG
5 BOWLEY LANE LONDON SE19 1LH
13 SPINNEY GARDENS LONDON SE19 1LL
12 SPINNEY GARDENS LONDON SE19 1LL
5 SPINNEY GARDENS LONDON SE19 1LL
14 SPINNEY GARDENS LONDON SE19 1LL
11 SPINNEY GARDENS LONDON SE19 1LL
10 SPINNEY GARDENS LONDON SE19 1LL
2 BOWLEY LANE LONDON SE19 1LH
1 BOWLEY LANE LONDON SE19 1LH
4 BOWLEY LANE LONDON SE19 1LH
3 BOWLEY LANE LONDON SE19 1LH
7 SPINNEY GARDENS LONDON SE19 1LL
6 SPINNEY GARDENS LONDON SE19 1LL
9 SPINNEY GARDENS LONDON SE19 1LL
8 SPINNEY GARDENS LONDON SE19 1LL

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 Shamash Covent Garden Limited	Reg. Number	11/AP/1923
Application Type	Full Planning Permission	Case Number	TP/4030-A
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

The construction of 4 low energy maisonettes with associated services and landscaping.

At: LAND ADJACENT TO 7-14 SPINNEY GARDENS, LONDON, SE19 1LL

In accordance with application received on 14/06/2011 08:04:47

and Applicant's Drawing Nos. 1001/TP/01 REV B, 1001/TP/02, 1001/TP/03, 1001/TP/04, 1001/TP/05, 1001/TP/06, 1001/TP/07, Ecological Assessment Report, Arboricultural Report, Design and Access Statement.

Reasons for granting permission.

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

Strategic policies of the Core Strategy 2011

- Strategic Policy 1 - Sustainable development states that development will improve the places we live and work and enable a better quality of life for Southwark's diverse population.
- Strategic Policy 2 - Strategic transport encourages walking, cycling and the use of public transport rather than travel by car.
- Strategic Policy 5 - Providing new homes encourages new, quality housing provision within the borough.
- Strategic Policy 11 - Open spaces and wildlife seeks to enhance and protect the natural environment.
- Strategic Policy 12 - Design and conservation states 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.
- Strategic Policy 13 - High environmental standards states that development will help us live and work in a way that respects the limits of the planet's natural resources, reduces pollution and damage to the environment and helps us adapt to climate change.
- Strategic Policy 14 - Implementation and delivery seeks to ensure that our strategic vision and objectives for further protecting, enhancing and regenerating Southwark are implemented.

Saved policies of the Southwark Plan 2007

- Policy 3.2 - Protection of amenity - seeks to protect and enhance amenity standards throughout the borough.
- Policy 3.4 - Energy efficiency - seeks to ensure that all developments are energy efficient.
- Policy 3.12 - Quality in Design - promoted good design for all developments.
- Policy 3.13 - Urban design - seeks to secure a high standard of urban design from all developments.
- Policy 3.14 - Designing out crime - aims to reduce crime and the potential for crime through design.
- Policy 3.28 - Biodiversity - seeks to enhance and protect biodiversity in all developments
- Policy 4.2 - Quality of residential accommodation - promotes a high standard of living accommodation from all developments.
- Policy 5.2 - Transport impacts - aims to assess the likely impact of the development on the surrounding transport infrastructure.
- Policy 5.3 - Walking and cycling - seeks to promote walking and cycling in all developments.
- Policy 5.6 - Car parking - provides the maximum and minimum levels of parking for all developments.

National Planning Policy Framework 2012

- 4). Promoting sustainable transport
- 6). Delivering a wide choice of high quality homes
- 7). Requiring good design.
- 11). Conserving and enhancing the natural environment.

Particular regard was had to the loss of trees on the application site and the potential adverse impacts on the adjacent Local Nature Reserve at Dulwich Upper Wood and associated impacts for flora and fauna however it was considered that all adverse impacts can be mitigated by the imposition of relevant planning conditions and as such it was 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: 1001/TP/01 REV B, 1001/TP/02, 1001/TP/03, 1001/TP/04, 1001/TP/05, 1001/TP/06, 1001/TP/07.

Reason:

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

- 3 Samples of the tiles, glazing, fascia and copper roofing to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of materials in the interest of the appearance of the building in accordance with saved policy 3.2 - Protection of Amenity of The Southwark Plan 2007, SP13 - High Environmental Standards of The Core Strategy 2011 and Section 7 - Requiring Good Design of the National Planning Policy Framework 2012.

- 4 The dwellings hereby permitted shall not be occupied before details of the arrangements for the storing of domestic refuse have been submitted to (2 copies) and approved in writing by the local planning authority and the facilities approved have been provided and are available for use by the occupiers of the dwellings. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied 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 policy 3.2 - Protection of Amenity of The Southwark Plan 2007, SP13 - High Environmental Standards of The Core Strategy 2011 and Section 7 - Requiring Good Design of the National Planning Policy Framework 2012

- 5 Details of the facilities to be provided for the secure storage of cycles shall be submitted to (2 copies) and approved in writing by the local planning authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

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 5.3 - Walking and Cycling of The Southwark Plan 2007, SP2 - Sustainable Transport of The Core Strategy 2011 and Section 7 - Requiring Good Design of the National Planning Policy Framework 2012

- 6 Details of any external lighting [including design, power and position of luminaires] and security surveillance equipment of external areas surrounding the building shall be submitted to (2 copies) and approved in writing by the Local Planning Authority before any such lighting or security equipment is installed and the development shall thereafter not be carried out otherwise than in accordance with any approval given.

Reason

In order that the Council may be satisfied as to the details of the development in the interest of the visual amenity of the area, the safety and security of persons using the area and the amenity and privacy of

adjoining occupiers in accordance with saved policy 3.2 - Protection of Amenity of The Southwark Plan 2007, SP13 - High Environmental Standards of The Core Strategy 2011 and Section 7 - Requiring Good Design of the National Planning Policy Framework 2012

- 7 A pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site. All tree protection measures and subsequent works required pursuant to that pre-commencement meeting and the Arboricultural Report shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. The applicant shall at their own expense instruct an arboricultural consultant, approved by the Council in writing, to liaise with the developer and/or his architect or engineer to approve details of construction methods, oversee the works and report to the Council throughout the period of the works in so far as the works may affect trees within the site. Works shall not commence on site until a consultant has been appointed and a monitoring programme approved in writing by the Local Planning Authority. After commencement of the project, all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given or made by the arboricultural consultant in respect of works in so far as they relate or affect trees within the site, including an instruction to cease work if the arboricultural consultant considers that works have deviated from the agreed working methods and in these circumstances works shall not recommence until or unless written authority has been given by the Council or the arboricultural consultant that such works may recommence.

Reason

In the interests of preserving the health of the trees and to maintain the visual amenity of the site, in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 8 Prior to works commencing, including any demolition, details of the means by which any existing trees on or directly adjacent to the site are 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 in writing by the Local Planning Authority. The protective measures shall be installed and retained throughout the period of the works in accordance with any such approval given and protective fencing must not be moved or removed without the explicit written permission of the Local Authority Arboriculturalist. Within the protected area, no fires may be lit, no materials may be stacked or stored, no cement mixers or generators may be used, and no contractor access whatsoever is permitted without the explicit written permission of the Local Authority Arboriculturalist under the supervision of the developer's appointed Arboriculturalist. Within the protected area, any excavation must be dug by hand and any roots found to be greater than 25mm in diameter must be retained and worked around. Excavation must adhere to the guidelines set out in the National Joint Utilities Group (NJUG) publication Volume 4, 'Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2)'.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 1 year from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written permission of the Local Authority Arboriculturalist.

Reason

To ensure the protection of the existing trees in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment of the National Planning Policy Framework 2012.

- 9 Before any above grade work hereby authorised begins, detailed drawings scale 1:50 of a hard and soft

landscaping scheme showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority and the landscaping shall not be carried out otherwise than in accordance with any such approval given. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 3996 Nursery stock specification, BS: 5837 Trees in relation to construction and BS: 7370 Recommendations for establishing and managing grounds maintenance organisations and for design considerations related to maintenance.

Reason

In order that the Local Planning Authority may ensure that the design and details are in the interest of the special architectural qualities of the existing building and the public spaces around it in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 10 Prior to occupation hereby authorised begins, a woodland management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan should be prepared by a qualified and experienced arboricultural consultant and should include the following elements:
- A statement of the overall design vision for the woodland and for individual trees retained as part of the development - including amenity classification, nature conservation value and accessibility.
 - Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement where tree loss or vandalism occurs.
 - Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas
 - Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998.
 - Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.
 - Inspection for pests, vermin and diseases and proposed remedial measures.
 - Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.
 - Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.

Reason

In order that the Local Planning Authority may ensure that trees and woodland are cared for in the long term in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 11 All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified Ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason

In order that the Local Planning Authority may ensure that wildlife is cared for in the long term in accordance with the Wildlife and Countryside Act 1981 (as amended), saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 12 The following measures for the mitigation of impact and enhancement of biodiversity set out in Chapter 8 of the Ecological Report recommendations, shall be implemented in full prior to the development being brought into use/occupied or in accordance with the timetable detailed in the approved scheme. This shall include;

- At least 2 bat boxes;
- Stag beetle loggery consistent with LWT standard loggery design;
- A minimum of four bird boxes on buildings or trees;
- A minimum of 50% new planting to be native species and known to attract wildlife.

Reason

To increase the biodiversity of the site and to mitigate any impacts from the development hereby approved in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 13 Prior to the new development being first brought into use/occupied, a scheme for monitoring the effectiveness of the biodiversity mitigation and enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. This shall include the monitoring of bird and bat boxes which shall be carried out and reported to the Local Planning Authority in accordance with the agreed scheme for a period of five years.

Reason

To increase the biodiversity of the site and to mitigate any impacts from the development hereby approved in accordance with saved policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007, SP11 - Open Spaces and Wildlife, SP12 - Design and Conservation and SP13 - High Environmental Standards of The Core Strategy 2011 and Section 11 - Conserving and Enhancing the Natural Environment. of the National Planning Policy Framework 2012.

- 14 a) Before any above grade work hereby authorised begins, an independently verified Code for Sustainable Homes interim certification that seeks to achieve a minimum Level 4 or equivalent Code Level rating shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
- b) Before the first occupation of the building hereby permitted, a Code for Sustainable Homes final certification (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason

To ensure the proposal complies with Strategic Policy 13 – High environmental standards of The Core Strategy 2011 and Saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 2007.

- 15 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - 1 • human health,
 - 2 • property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - 3 • adjoining land,
 - 4 • groundwaters and surface waters,
 - 5 • ecological systems,
 - 6 • archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

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 policy 3.1 Environmental effects of the adopted Southwark Plan 2007

266 TURNEY ROAD, LONDON, SE21 7JP

Ordnance Survey

Date 23/4/2012



Agenda Item 6.2

Item No. 6.2	Classification: Open	Date: 10 May 2012	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 12/AP/0260 for: Full Planning Permission Address: 266 TURNEY ROAD LONDON SE21 7JP Proposal: Variation of condition 2 (approved plans) of permission reference 11-AP-2465 dated 16/11/2011 (for 'erection of a two storey dwellinghouse') to provide a basement to the dwelling.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 14 February 2012		Application Expiry Date 10 April 2012	

RECOMMENDATION

- 1 That planning permission be granted, subject to conditions. This application has been referred to Dulwich Community Council owing to the number of objections received.

BACKGROUND INFORMATION

Site location and description

- 2 The application relates to a 2-storey 1960s building located on the south-eastern side of Turney Road, on the junction with Boxall Road. It comprises 4 garages at ground floor level and a 1-bedroom flat above. Access to the flat is via steps leading up to a raised terrace at the side of the building, facing Boxall Road.
- 3 Dulwich Hamlet Junior School is on the opposite side of Turney Road, there is a 1960s bungalow immediately to the east (268 Turney Road), a tarmac turning area and garages associated with 266 Turney Road and 50-60 Dulwich Village to the south and 2-storey houses to the west, on the opposite side of Boxall Road.
- 4 The site forms part of the Dulwich Village Conservation Area, an archaeological priority zone, the suburban density zone and an air quality management area; 52 Dulwich Village which is located to the east of the site is grade II listed.

Details of proposal

- 5 Planning permission was granted by Dulwich Community Council in February 2011 for the erection of a 2-storey dwelling on this site, following the demolition of the existing building (reference: 10-AP-3032). In November 2012 a number of amendments to the approved house were granted under delegated powers, details of which are set out at paragraph 7 of this report (reference: 11-AP-2465).

- 6 The applicant now seeks a further amendment to the scheme, comprising the provision of a basement to the dwelling. The proposed basement would measure 6.85m x 2m and 2.4m deep, and would be used as a store.

Planning history

- 7 11-AP-2465 - Amendments to planning permission 10-AP-3023 to erect a new dwelling (Use Class C3):

The proposed alterations are to:

- Insert two obscure glazed windows and a new chimney on the south-east elevation of the building
- Replace the garage with a habitable room and utility room
- Extend the approved garage (proposed habitable room and utility room) by 0.6 metres
- Insert 2 sets of double doors on the buildings North West elevation
- Insert a new window at ground floor level and lower the approved dormer on South West (Boxall Road) elevation.

- 8 Planning permission was GRANTED in November 2011.

- 9 10-AP-3023 - Erection of 2-storey dwelling, following demolition of existing building on the site (Use Class C3). Planning permission was GRANTED in February 2011.

- 10 10-AP-3022 - Demolition of existing building. Conservation area consent was GRANTED in February 2011.

- 11 10-AP-0034 - Erection of 2-storey plus basement dwelling, following demolition of existing building (Use Class C3). Planning permission was REFUSED in March 2010 for the following reasons:

1. The proposed new dwelling by reason of its general design and inappropriate detailing would introduce and incongruous aesthetic to the historic context of the area and would fail to preserve the character or appearance of this part of the Dulwich Village Conservation Area, contrary to policies 3.12 'Quality in design', 3.13 'Urban design' 3.15 'Conservation of the historic environment' and 3.16 'Conservation areas' of the Southwark Plan 2007.

2. The design of the proposed dwelling would sit uncomfortably within both Turney and Boxall Roads, in particular it fails to address the cohesive frontages of Turney Road or the sensitive proportions of the semi-detached houses that neighbour the site, nor does it seek to preserve some of the prevailing heights on these frontages. contrary to policies 3.12 'Quality in design', 3.13 'Urban design' 3.15 'Conservation of the historic environment' and 3.16 'Conservation areas' of the Southwark Plan 2007.

3. The proposed second bedroom located within the basement would have no outlook and poor access to natural daylight due to the small enclosed lightwell and ground level rooflight upon which it would rely. It is not considered that such an arrangement would provide a satisfactory level of accommodation for a habitable space and as such is contrary to Policies 3.2 Protection of amenity, 4.2 Quality of residential accommodation of the Southwark Plan 2007 and to the Residential Design Guidelines Supplementary Planning Document, 2008.

4. The proposed development, by reason of the location of a terrace at first floor level on the shared rear (southern) boundary of the site may be prejudicial to the future development of the adjoining portion of land fronting Boxall Road, contrary to policy

3.11 'Efficient use of land' of the Southwark Plan 2007.

- 12 10-AP - 0047 - Demolition of existing building comprising 4 garages and a flat (Use Class C3). Application for conservation area consent REFUSED in March 2010 for the following reason:

In the absence of an approved scheme for the redevelopment of the site, the proposal would result in a harmful gap site which would fail to preserve or enhance the character or appearance of this part of the Dulwich Village Conservation Area, contrary to policy 3.16 'Conservation areas' of the Southwark Plan 2007.

- 13 08-AP-0809 - Demolition of existing building and erection of a 2-storey dwellinghouse with additional accommodation in the roofspace, integral garage and terrace at first floor level (Use Class C3). Planning permission was REFUSED in July 2008 for the following reasons:

1. The proposed development, owing to its height and proximity to 268 Turney Road would result in loss of light and overshadowing to this property and would have an oppressive and overbearing impact upon a bedroom window in its west-facing flank wall, contrary to policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

2. The proposed development, by reason of the location of windows on the shared rear (southern) boundary of the site would be prejudicial to the future development of the land at the rear of the site and to the amenity of future occupiers of 266 Turney Road, contrary to policies 3.2 'Protection of Amenity' and 3.11 'Efficient use of Land' of the Southwark Plan 2007.

3. The proposed development would result in an over-provision of parking facilities which would encourage traffic into the area and would be contrary to the objectives of encouraging alternative means of travel, contrary to policy 5.2 'Car Parking' and appendix 15 of the Southwark Plan 2007.

4. The proposed development by reason of its inappropriate massing, raised circular rooflight and inappropriate materials would fail to preserve the character and appearance of this part of the Dulwich Village Conservation Area, contrary to policies 3.12 'Quality in Design', 3.13 'Urban Design' and 3.16 'Conservation Areas' of the Southwark Plan 2007.

- 14 08-AP-0814 - Demolition of existing house (application for Conservation Area Consent) - WITHDRAWN in August 2008.
- 15 Planning permission for the existing building and the bungalow at 268 Turney Road was GRANTED in 1968 (reference: TP/2292/50).

Planning history of adjoining sites

- 16 No recent or relevant planning history.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 17 The main issues to be considered in respect of this application are:
- a) amenity;
 - b) transport;

c) trees.

Planning policy

Core Strategy 2011

- 18 Strategic policy 1 - Sustainable development
Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 19 For 12 months from 27 March 2012 weight can continue to be given to relevant local planning policies adopted in accordance with the Planning and Compulsory Purchase Act 2004, and those in the London Plan, in making decisions on planning applications even if there is a limited degree of conflict with the National Planning Policy Framework (NPPF). The weight given to the saved policies of the Southwark Plan should be according to their degree of consistency with policies in the NPPF.

3.2 - Protection of amenity

3.16 - Conservation areas

3.19 - Archaeology

5.2 - Transport impacts

London Plan 2011

- 20 None of relevance to this application.

National Planning Policy Framework (NPPF)

- 21 The NPPF came into effect on 27 March 2012. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in favour of sustainable development.

The following sections are of particular relevance;

6. Delivering a wide choice of high quality homes

7. Requiring good design

12. Conserving and enhancing the historic environment

Amenity

- 22 Saved policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers.
- 23 The proposed basement would not be visible and would not result in any loss of amenity to neighbouring properties. An objector has requested that a condition or legal agreement be imposed preventing the space from being used as habitable accommodation or from being modified further in the future. The limited size of the basement and lack of any natural light or ventilation is such that it could not be used as habitable space, and any future application for further modifications would be assessed upon its merits.

- 24 Concerns have been raised regarding damage to adjacent properties during construction, but this is not a material planning consideration and cannot be taken into account. Detailed construction matters are covered separately under the Building Regulations and any damage to other properties would be a private matter between the affected parties.
- 25 A neighbouring resident has also raised concerns regarding additional noise and disturbance during construction, but it is not considered that the provision of a small basement would significantly add to the construction period. The original permission for the house includes a condition which requires a construction management plan to be submitted for approval, and it is recommended that this be re-imposed upon any forthcoming planning permission.

Transport

- 26 Saved policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions.
- 27 Concerns have been raised that the proposal would result in harm to highway safety, at a busy junction which is opposite a school. There are concerns that traffic and parking in this area is particularly heavy during school drop-off and pick-up times.
- 28 Whilst this is noted, permission for a house on this site has already been granted, and the only change that this application proposes is to install a small basement. This is unlikely to significantly add to the construction period and as it would be one of the first elements to be constructed, there would still be space on the site for construction vehicles to park.

Trees

- 29 There is a large Plane tree on Turney Road outside the site. The applicant has submitted a root investigation report which has been reviewed by the Council's Urban Forester and which confirms that the basement would not cause any harm to the tree.

Other matters

Community Infrastructure Levy

- 30 S143 of the Localism Act 2011 states that any financial sum that an authority has received, will, or could receive in the payment of CIL as a material "local financial consideration" in planning decisions. The requirement for Mayoral CIL is a material consideration. However, the weight to be attached to a local finance consideration remains a matter for the decision-maker. Mayoral CIL is to be used for strategic transport improvements in London, primarily Crossrail.

Conclusion on planning issues

- 31 The addition of a small basement to a previously approved house would not result in any loss of amenity or harm to highway safety. It would not be visible therefore there would be no impact upon the character and appearance of the Dulwich Village Conservation Area. As such it is recommended that planning permission be granted.

Community impact statement

- 32 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 above.

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

Consultations

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

Consultation replies

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

Summary of consultation responses

- 34 Three representations have been received objecting to the proposal on the following grounds:

-Impact on traffic and highway safety;

-Impact upon foundations of a neighbouring property - (response - this is not a material planning consideration and is covered separately under the Building Regulations);

-Additional noise and disturbance during building works (response - Statutory nuisance is dealt with under Environmental Protection Legislation);

-The planning process for this site has been going on for some time which causes uncertainty, the site is neglected, and generates a lot of work for neighbours and the Council.

Human rights implications

- 35 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.

- 36 This application has the legitimate aim of providing a basement to an approved house. 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

N/A.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2292-50 Application file: 12/AP/0260 Southwark Local Development Framework and Development Plan Documents	Deputy Chief Executive's 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 5410 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	Victoria Lewis, Senior Planning Officer	
Version	Final	
Dated	19 April 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 Planning	Yes	Yes
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional Team		27 April 2012

Consultation undertaken

37 **Site notice date:** 01/03/2012

Press notice date: 23/02/2012

Case officer site visit date: 01/03/2012

Neighbour consultation letters sent: 23/02/2012

Internal services consulted:

38 Urban Forester
Archaeologist

Statutory and non-statutory organisations consulted: None.

39 **Neighbours and local groups consulted:**

23/02/2012	DULWICH HAMLET SCHOOL DULWICH VILLAGE LONDON SE21 7AL
23/02/2012	264 TURNEY ROAD LONDON SE21 7JP
23/02/2012	268 TURNEY ROAD LONDON SE21 7JP
23/02/2012	13 BOXALL ROAD LONDON SE21 7JS
23/02/2012	15 BOXALL ROAD LONDON SE21 7JS
23/02/2012	17 BOXALL ROAD LONDON SE21 7JS
23/02/2012	23 BOXALL ROAD LONDON SE21 7JS
23/02/2012	25 BOXALL ROAD LONDON SE21 7JS
23/02/2012	27 BOXALL ROAD LONDON SE21 7JS
23/02/2012	29 BOXALL ROAD LONDON SE21 7JS
23/02/2012	13A BOXALL ROAD LONDON SE21 7JS
23/02/2012	15A BOXALL ROAD LONDON SE21 7JS
23/02/2012	17A BOXALL ROAD LONDON SE21 7JS
23/02/2012	21A BOXALL ROAD LONDON SE21 7JS
23/02/2012	21B BOXALL ROAD LONDON SE21 7JS
23/02/2012	21C BOXALL ROAD LONDON SE21 7JS
23/02/2012	21D BOXALL ROAD LONDON SE21 7JS
23/02/2012	50 DULWICH VILLAGE LONDON SE21 7AJ
23/02/2012	52 DULWICH VILLAGE LONDON SE21 7AJ
23/02/2012	54 DULWICH VILLAGE LONDON SE21 7AJ
23/02/2012	60 DULWICH VILLAGE LONDON SE21 7AJ
23/02/2012	62 DULWICH VILLAGE LONDON SE21 7AJ
23/02/2012	64 DULWICH VILLAGE LONDON SE21 7AJ
23/02/2012	FIRST FLOOR FLAT 266 TURNEY ROAD LONDON SE21 7JP
23/02/2012	40 DULWICH VILLAGE LONDON SE21 7AL
23/02/2012	11-17 DULWICH VILLAGE LONDON SE21 7AL
23/02/2012	Via Email XXXX
23/02/2012	28 Manor Lane Terrace Lewisham London SE13 5QL

40 **Re-consultation:** Not required.

Consultation responses received

Internal services

Urban Forester

13th March 2012 (following the submission of an additional report)

- 41 The root investigation report satisfies concerns regarding roots; the extent of the basement is limited and so does not affect root retention of the Plane.

12th March 2012

- 42 The applicant proposes the demolition of the existing building together with the excavation of a basement.
- 43 The site is directly adjacent to a large London Plane street tree which may be damaged or require removal should the excavation conflict with its retention. An existing tree within the site, which is in the Dulwich Village conservation area, is also likely to be removed.
- 44 An arboricultural survey must be submitted to identify the tree constraints and methods by which any trees are to be protected. Without this information it is not possible to determine the impact of the application, and it should therefore be refused.

Archaeologist

- 45 Thank you for your consultation. The proposal, as detailed in the Desk-based archaeological assessment supplied with the original application will have a limited impact upon buried archaeological remains. There is therefore no need for any archaeological response to this application.

Statutory and non-statutory organisations N/A.

Neighbours and local groups

- 46 Three objections have been received, from 268 Turney Road, 52 Dulwich Village and 29 Boxall Road. The concerns raised relate to:
- Impact on traffic and highway safety;
 - Impact upon foundations of a neighbouring property - (response - this is not a material planning consideration and is covered separately under the Building Regulations);
 - Additional noise and disturbance during building works (response - Statutory nuisance is dealt with under Environmental Protection Legislation);
 - The planning process for this site has been going on for some time which causes uncertainty, the site is neglected, and generates a lot of work for neighbours and the Council.

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	Mrs P Way	Reg. Number	12/AP/0260
Application Type	Full Planning Permission	Case	TP/2292-50
Recommendation	Grant permission	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Variation of condition 2 (approved plans) of permission reference 11-AP-2465 dated 16/11/2011 (for 'erection of a two storey dwellinghouse') to provide a basement to the dwelling.

At: 266 TURNEY ROAD LONDON SE21 7JP

In accordance with application received on 31/01/2012

and Applicant's Drawing Nos. Site location plan, 2102/4, 2102/1/D, section 1-1, Design and Access Statement, Tree projects site investigation note.

Reasons for granting planning permission.

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

Core Strategy (2011)

a] Strategic Policy 1 – Sustainable development: requires new developments to help meet the needs of a growing population in a way that respects the planet's resources and protects the environment and Strategic Policy 13 - (High Environmental Standards) which requires developments to meet the highest possible environmental standards of The Core Strategy (2011).

Southwark Plan (2007) - saved policies

b] Saved Policies 3.2 'Protection of amenity which seeks to ensure an adequate standard of amenity for existing and future occupiers, 3.16 'Conservation areas' which requires developments to preserve or enhance the character or appearance of conservation areas, 3.19 'Archaeology' which requires planning applications in Archaeological Priority Zones to be accompanied by an archaeological assessment and evaluation of the site, including the impact of the proposed development, 5.2 'Transport impacts' which seeks to ensure that developments do not result in adverse highway conditions.

c] National Planning Policy Framework 2012 Sections 6. Delivering a wide choice of high quality homes; 7. Requiring good design and 12. Conserving and enhancing the historic environment

Particular regard was had to the impact on the amenity of neighbouring occupiers and transport impacts but it was found that given the modest size of the basement and because a dwelling has already been approved on the site, no significant loss of amenity or harm to highway safety would occur. 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:

2102/1/D, 2102/4, section 1-1.

Reason:

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

- 3 Details drawings and details of materials of all boundary treatment to the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved prior to the occupation of the dwelling, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to preserve the character and appearance of this part of the Dulwich Village Conservation Area and in the interests of highway safety, in accordance with saved policies 3.16 'Conservation areas' and 5.2 'Transport impacts' of the Southwark Plan 2007 and strategic policies SP2 'Sustainable transport' and SP 12 'Design and conservation' of the Core Strategy (2011).

- 4 The stairwell window in the north-east elevation of the building shall be obscure glazed and fixed shut 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 268 Turney Road and 50 Dulwich Village from undue overlooking in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan 2007 and SP 13 'High environmental standards' of the Core Strategy (2011).

- 5 The development shall not commence until details of a Construction Management Strategy has been submitted to, and approved in writing by the Local Planning Authority. The Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and TV reception emanating from the site and will include the following information for agreement:

- A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures.
- The specification shall include details of the method of piling.
- Engineering measures, acoustic screening and the provision of sound insulation required mitigating or eliminating specific environmental impacts.
- Arrangements for publicity and promotion of the scheme during construction.
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme registration.

All demolition and construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with saved policy 3.2 'Protection of amenity' of the Southwark Plan 2007 and SP13 'High environmental standards' of the Core Strategy (2011).

- 6 Notwithstanding the details shown on the approved plans, no windows shall be inserted in the south-east elevation of the building hereby permitted.

Reason

To ensure that there would be no blight to the future development of the adjoining site at the end of the rear gardens to 52 and 54 Dulwich Village in accordance with saved policy 3.11 'Efficient use of land' of the Southwark Plan 2007.

- 7 The refuse 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 saved policy 3.7 'Waste reduction' of the Southwark Plan 2007 and SP13 'High environmental standards' of the Core Strategy (2011).

- 8 Samples of all external facing materials, and surface finishes at the ground floor to be used in the carrying out

of this permission shall be presented on site and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given. These samples must demonstrate how the proposal makes a contextual response in terms of materials to be used.

Reason:

In the interest of the visual amenities of the streetscene and in order to preserve the character and appearance of this part of the Dulwich Village Conservation Area, in accordance with saved policies: 3.12 'Quality in design', 3.13 'Urban design' and 3.16 'Conservation areas' of the Southwark Plan 2007 and SP12 'Design and conservation' of the Core Strategy (2012).

9 Scale 1:5/10 section detail-drawings through:

- the facades;
- parapets;
- roof edges; and
- heads, cills and jambs of all openings,

to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority before any work in connection with this permission is carried out; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In the interest of the visual amenities of the streetscene and in order to preserve the character and appearance of this part of the Dulwich Village Conservation Area, in accordance with saved policies: 3.12 'Quality in design', 3.13 'Urban design' and 3.16 'Conservation areas' of the Southwark Plan 2007 and SP12 'Design and conservation' of the Core Strategy (2011).

10 Pile and beam foundations shall be used in the carrying out of this development, and the development shall be carried out in full accordance with the aboriginal report 'Tree projects site investigation note' dated 16th June 2009.

Reason

In order to ensure that there would be no damage an adjacent street tree during the construction of the development, in accordance with saved policies 3.2 'Protection of amenity and 3.16 'Conservation areas' of the Southwark Plan 2007 and SP 12 'Design and conservation' and SP13 'High environmental standards' of the Core Strategy (2011).

11 Detailed drawings of a landscaping scheme including provision for the planting of a replacement tree on the site and showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways) shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is begun, and the landscaping scheme approved shall thereafter be carried out in the first appropriate planting season following completion of the building works.

Reason

In the interest of the visual amenities of the streetscene and the character and appearance of this part of the Dulwich Village Conservation Area, in accordance with saved policies 3.12 'Quality in design' 3.13 'Urban design' and 3.16 'Conservation areas' of the Southwark Plan 2007 and SP 12 'Design and conservation' and SP13 'High environmental standards' of the Core Strategy (2011).

12 Before any work hereby authorised begins, the applicant shall secure the implementation of a programme of archaeological mitigation works in accordance with a written scheme of investigation, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order that the details of the programme of works for the archaeological mitigation are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with saved policy 3.19 'Archaeology' of the Southwark Plan 2007 and SP12 'Design and conservation' of the Core Strategy (2011).

13 Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site and preparation of the archive shall be submitted to and approved in writing by the Local Planning Authority and that the works detailed in this assessment report shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order that the archaeological interests of the site are secured with regard to the details of the post-

excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with saved policy 3.19 'Archaeology' of the Southwark Plan (July 2007) and SP12 'Design and conservation' of the Core Strategy (2011).

- 14 Prior to the commencement of any work on site the applicant should carry out a contaminated land assessment to determine the extent of any contamination present. The results of assessment shall be submitted to and approved by the Local Planning Authority.

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 saved policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and SP13 'High environmental standards' of the Core Strategy (2011).

- 15 Should the results for condition 14 demonstrate contamination on site, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 saved policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and SP13 'High environmental standards' of the Core Strategy (2011).

2 WOODHALL DRIVE, LONDON, SE21 7HJ

Ordnance Survey

Date 23/4/2012



Agenda Item 6.3

54

Item No. 6.3	Classification: OPEN	Date: 10 May 2012	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 12-AP-0200 for: Full Planning Permission Address: 2 WOODHALL DRIVE, LONDON, SE21 7HJ Proposal: Temporary change of use (for 12 months) of a residential swimming pool (Class C3) to allow babies/toddlers swimming lessons between 10:30 am and 2 pm - 1 day a week with ancillary parking.		
Ward(s) or groups affected:	College		
From:	Head of Development Management		
Application Start Date 25 January 2012		Application Expiry Date 21 March 2012	

RECOMMENDATION

- 1 That the planning permission is refused.

BACKGROUND INFORMATION

Site location and description

- 2 Local Ward Councillors requested that the application be considered by Dulwich Community Council, which was agreed by the chair.
- 3 The property is a two-storey, detached dwellinghouse located on a corner plot at the junction of Woodhall Drive with College Road.
- 4 Adjoining the dwellinghouse on the north west elevation is a single storey pool building.
- 5 There is gravel area forming a section of the front garden immediately in front of the pool building, currently this is used for ancillary parking associated with the residential dwelling. It is screened by a 2 metre high hedge.

The dwellinghouse is not listed, however lies within the Dulwich Wood Conservation Area.

Details of proposal

- 6 The application seeks permission to use the pool for use for private toddler swimming lessons not associated with the occupants of the dwelling.
- 7 This submission follows a previous application for a temporary change of use (for 12

months) of its private swimming pool (Class C3) to allow toddlers swimming lessons for up to 4 hours per day (10am - 12noon and 1pm - 3pm) on 3 days a week (Tuesdays, Wednesdays and Thursdays) as a not-for-profit voluntary project for local children. It was proposed that each class would have 6 babies and last for 30 minutes with 8 classes per day.

- 8 Due to concerns raised by officers this application was withdrawn prior to a decision being made.
- 9 The current application proposes the use of the pool for toddler swimming lessons for one day a week (Wednesday) between 10:30am and 2pm with 4 classes, for a temporary period of 12 months. Each class will be of 30 minutes' duration following a 30 minutes break, and will have 4 babies with one instructor.
- 10 The lessons are to be run by a professional swimming organisation which provides trained instructors. Outside the hours proposed for lessons, the house, grounds and pool remain in residential use, (Class C3).
- 11 A Travel Plan has been submitted to demonstrate that the site can be accessed sustainably. It states that, despite of the provision of 11 off-street parking on site, a Visitor Welcome Pack will be distributed to staff and parents upon joining setting up parking requirements to restrict overspill parking at other than the application site whilst promoting alternative travel routes to the site such as car sharing, walking and public transports, with details of current timetables for local bus and rail services. A notice board providing travel and community information to visitors will be placed with the pool building.
- 12 The Travel Plan also outlines that the enrolment requirements will reserve 1 place per class for those travelling by models other than private car and / or those travelling by car sharing, and the instructor will be required to travel by cycling or public transport. A Travel Plan Coordinator will be appointed and funded by the applicant implementing and monitoring the Travel Plan to ensure that parking demand and traffic generation is reduced.

Planning history

- 13 2084-J - Planning permission was granted on 02/10/1978 for erection of an extension at first floor level as shown on the submitted drawing forming part only of two storey extension.
- 14 2084-2 - Planning permission was granted on 15/08/1985 for erection of single-storey side extension to provide a hydratherapy swimming pool subject to conditions requiring a landscaping plan .
- 15 11-EN- 0228 - Enforcement case for a private swimming pool being used for commercial activities for baby lessons, pending on the decision to its re-submission of the planning application 12-AP-0200;
- 16 11-AP-2936 - Planning application for a temporary change of use (for 12 months) of a residential swimming pool (Class C3) to allow babies/toddlers swimming lessons for up to 4 hours per day (10am - 12noon and 1pm - 3pm) on 3 days a week (Tuesdays, Wednesdays and Thursdays) as a not-for-profit voluntary project for local children was withdrawn on 28/11/2011.

Planning history of adjoining sites

- 17 None of relevance.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 18 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 on neighbouring amenity in terms of intensity and issues on whether the change of use would invade the privacy and quality of life of neighbours caused by traffic, parking and noise
 - c) The impact on highway and pedestrian safety
 - d) The impact on character of the Dulwich Wood Conservation Area

Planning policy

19 Core Strategy 2011

Strategic Policy 2 - Sustainable Transport
 Strategic Policy 12 – Design and Conservation
 Strategic Policy 13 – High environmental standards

20 Southwark Plan 2007 (July) - saved policies

For 12 months from 27 March 2012 weight can continue to be given to relevant local planning policies adopted in accordance with the Planning and Compulsory Purchase Act 2004, and those in the London Plan, in making decisions on planning applications even if there is a limited degree of conflict with the National Planning Policy Framework (NPPF). The weight given to the saved policies of the Southwark Plan should be according to their degree of consistency with policies in the NPPF.

Saved Policy 2.2 - Provision of new community facilities
 Saved Policy 3.2 – Protection of Amenity
 Saved Policy 3.15 – Conservation of the Historic Environment
 Saved Policy 5.2 - Transport impacts
 Saved Policy 5.3 - Walking and cycling
 Saved Policy 5.6 - Car Parking

21 Policies of London Plan

None relevant

22 National Planning Policy Framework

National Planning Policy Framework (NPPF)

The NPPF came into effect on 27 March 2012. It aims to strengthen local decision making and reinforce the importance of up-to-date plans. The policies in the NPPF are material considerations to be taken into account in making decisions on planning applications. The NPPF sets out the Government's commitment to a planning system that does everything it can do to support sustainable growth and a presumption in favour of sustainable development.

Relevant sections

- 4. Promoting sustainable transport
- 8. Promoting healthy community facilities
- 11. Conserving and enhancing the natural environment

Principle of development

- 23 The development would introduce a commercial venture within a residential area, with poor access to public transport. The property is located within the Woodhall Estate, which is wholly residential in nature. The development would involve a level of activity that is not commensurate with the neighbouring amenity due to the flow of cars and people associated with the proposed use and would result in detrimental impacts upon residential amenity, and therefore is considered unacceptable.

Environmental impact assessment

- 24 Not required for this type of proposal.

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

- 25 Intensity
Concern is raised over the use of the site, in particular the introduction of a commercial use within a completely residential area, further the intensity of activity on the site could lead to disruption of what is a quiet residential neighbourhood. Notwithstanding the level of use proposed this could potentially lead to the increased foot-traffic of 16 visits in the course of 3.5 hours would rise in foot traffic and the sheer volume of people accessing facilities at the application site on a continual basis which would impact adversely on the amenity of local residents.
- 26 Loss of privacy
The development does not alter the existing access to the property or create an overlooking to its neighbouring properties, as such it is not considered that the proposal would lead to a loss of privacy detrimental to residential amenity.
- 27 Noise
Concerns are raised that the development would result in a substantial increase in traffic and noise disturbance.
- 28 It is acknowledged that the lessons will take place on Wednesdays between 10:30am and 2pm with a 30 minute break between each session, so as to allow adequate gaps for arrivals and departures. The detached houses within the Woodhall Estate are set back generously from the footpath with substantial distance between each. Whilst noise levels are unlikely to give rise to significant levels of harm, there is a concern that the coming and goings from the concentration of lessons within this time frame would result in a significant loss of residential amenity within the area.

Traffic issues

- 29 Car parking Comments
The Transport Team was satisfied with the provision of 11 off-street parking. The predicted use is for classes with four babies. Assuming that all babies arrive in separate cars and accounting for overlap between classes there will be a maximum of 8 vehicles on site at any time. This can be accommodated within the parking area provided.

- 30 Highway Safety
This development is not expected to have a significant negative impact on the highway network.
- 31 Travel Plan comments
The travel plan is of good quality and proposes a number of measures to promote and support the use of sustainable modes of travel for those accessing the site. The travel plan contains ambitious targets for reducing the use of private cars to access the site, and this will be rigorously monitored by the applicant (and reported to Southwark Council) as part of the travel plan. The travel plan is welcomed by Southwark Council and is acceptable.
- 32 Should planning permission be granted, it is recommended that the travel plan is secured via a planning condition. The condition wording should specify that the applicant must re-submit the travel plan for approval following the baseline travel surveys (within the first 3 months of occupation).
- 33 Public Safety
There are no public footpaths on Woodhall Drive and the increased traffic may pose a danger to pedestrians. Number 2 Woodhall Drive is located at the junction of College Road, as with any visitors to the area due care and attention would need to be taken when entering and exiting the site. The proposed Travel Plan will make visitors aware of restrictions on Woodhall Drive and College Road.

Design issues

- 34 The proposal does not involve any physical alterations to the existing buildings on the site.

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

- 35 Dulwich Wood is characterised by its green character and appearance derived from the many of open spaces and large gardens. Woodhall Drive fully conforms to this with large detached buildings set back generously from the footpath and substantial gardens. The original consent required the area in front of the pool building to be landscaped, but there is no record relating to the discharge of this condition. The gravel area to the front garden to accommodate 11 car parking spaces does not preserve or enhance the established and characteristic green aesthetic and is thus out of character, however this work is not considered to constitute development requiring planning permission. The use of this area covered by parking is large would be a permanent element even though the use would be a temporary one day a week for 12 months. The permanent parking area is therefore a disproportionate loss of garden relative to the proposed frequency and length of use.
- 36 Apart from the above comments, it is considered that, whilst the host property is not historic it contributes to the sense of openness of the area. The incorporation of up to 11 parking spaces to the front of this property, although screened by hedges, at its prominent location raises significant concerns and is likely to adversely affect the character of the Dulwich Wood Conservation Area.
- 37 There is also a concern that the Woodhall Estate is predominately residential in nature and the proposed level of activity, although suggests on one day a week, is an unsympathetic response to its context and would have adverse impacts upon the character of the area.

Impact on trees

38 The proposal would not impact on any trees.

Planning obligations (S.106 undertaking or agreement)

39 The scheme is not of a size or type that would require any contributions.

Other matters

40 No other matters have been identified.

Conclusion on planning issues

41 Permission is sought to use a pool house ancillary to the existing residential building for commercial purposes, it is indicated that this would not be a for profit venture and whilst the proposal appears limited in its nature it is clearly the intention to seek to make this a permanent use with perhaps increased frequency. Whilst some mitigation to the movement is proposed by way of 30 minute breaks between sessions, with changing before and after each session the likelihood would be that there would be an overrun and visitors will be leaving the site after 2 pm. It is considered that the proposal even on a temporary and limited basis would introduce a level of activity out of character with this area and consequently result in a loss of amenity to surrounding residents due to the flow of people and vehicles accessing the site. The proposed level of activity associated with the use of the front garden to a parking area would have a detrimental impact on the character of the Dulwich Wood Conservation Area. As such the use is considered inappropriate within a residential setting and planning permission is recommended for refusal.

Community impact statement

42 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.

Consultations

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

Consultation replies

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

45 Summary of consultation responses

46 Internal Consultees:

1) Transport Team

- Placed no objection to the proposal

2) Design & Conservation Team:

- placed concerns over the conversion of its front lawn to a car park area;

3) Environmental Protection Team

- No comments received; however, there was no objection to its previous application.

47 Neighbouring Consultees:

- 24 responses have received, 15 of which objected the application and 8 supported and one placed concerns over traffic issues

- The Dulwich Estate Management has notified the council that the owners of the application site require the consent by the Dulwich Estate for the proposed change of use.

Human rights implications

48 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.

49 This application has the legitimate aim of the change of use of a private domestic swimming pool to allow babies swimming lesson for one day a week. 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/2084-2 Application file: 12-AP-0200 Southwark Local Development Framework and Development Plan Documents	Chief Executive's 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 5403 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	Marina Lai, Planning Officer	
Version	Final	
Dated	13 March 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 Planning	Yes	Yes
Strategic Director of Environment and Leisure	No	No
Date final report sent to Constitutional Team		27 April 2012

Consultation undertaken

Site notice date: 13/02/2012

Press notice date: 09/02/2012

Case officer site visit date: 13/02/2012

Neighbour consultation letters sent: 07/02/2012

Internal services consulted:

Design & Conservation Team
Transport Team
Environmental Protection Team

Statutory and non-statutory organisations consulted:

N / A

Neighbours and local groups consulted:

86 College Road London SE21 7LY
88 College Road London SE21 7NA
82 College Road London SE21 7LY
84 College Road London SE21 7LY
90 College Road London SE21 7NA
1 Dulwich Oaks Place College Road London SE21 7NA
88a College Road London SE21 7NA
90a College Road London SE21 7NA
3 Woodhall Drive London SE21 7HJ
1 Woodhall Drive London SE21 7HJ
4 Woodhall Drive London SE21 7HJ
97 College Road London SE21 7HN
99 College Road London SE21 7HN
5 Woodhall Drive London SE21 7HJ
1 Woodhall Avenue London SE21 7HI
The Dulwich Estate

Re-consultation:

N / A

Consultation responses received

Internal services

Design & Conservation Team Comments:

Dulwich Wood is characterised by its greened character and appearance derived from the many of open spaces and large gardens. Woodhall Drive fully conforms to this with large detached buildings set back generously from the footpath with substantial gardens. The loss of front garden to accommodate 11 car parking spaces would fail to preserve or enhance the established and characteristic greened aesthetic and is thus out of character to the area. The area covered by parking is large and would be a permanent element even though the use would be a temporary one day a week for 12 months. The permanent parking area is therefore a disproportionate loss of garden relative to the proposed frequency and length of use, unless a condition is imposed that requires reinstatement of the garden (planting) following the expiry of the 12 month period.

It is acknowledged that the parking area is screened by hedging which somewhat mitigates the visual impact of the parking and if the Officer is minded to approve on this basis we would recommend that the screening be permanently retained, or indeed additional planting implemented, to ensure acceptability.

Transport Team Comments:

Car parking Comments: The Transport Team was satisfied with the provision of 11 off-street parking. The predicted use is for classes with four babies. Assuming that all babies arrive in separate cars and accounting for overlap between classes there will be a maximum of 8 vehicles on site at any time. This can be accommodated within the parking area provided.

Highway Safety: This development is not expected to have a significant negative impact on the highway network.

Travel Plan comments: The travel plan is of good quality and proposes a number of measures to promote and support the use of sustainable modes of travel for those accessing the site. The travel plan contains ambitious targets for reducing the use of private cars to access the site, and this will be rigorously monitored by the applicant (and reported to Southwark Council) as part of the travel plan. The travel plan is welcomed by Southwark Council and is acceptable.

Should planning permission be granted, it is recommended that the travel plan is secured via a planning condition. The condition wording should specify that the applicant must re-submit the travel plan for approval following the baseline travel surveys (within the first 3 months of occupation).

Statutory and non-statutory organisations

None

Neighbours and local groups

1) 1 Woodhall Drive

Supported the application, owing to:

- The proposal has not caused any inconvenience or annoyance arising from the said activity

2) 3 Woodhall Drive

Objection to the application, concerning:

- The proposed use is contrary to the purpose of the Conservation Area. To allow business use would set a thoroughly undesirable precedent for the rest of the estate.
- A substantial increase in the volume of traffic has been noted in the quiet private estate of Woodhall. It would be quite dangerous for pedestrians as there is no pavements in Woodhall Drive. This additional traffic of both cars and people roaming the Woodhall Estate is most unwelcome.
- The application is retrospective and the pool has been used for these lessons for many months now.
- There are already state-of-the-art modern swimming and sport facilities in the local area.
- It appears that profit-making companies are using a private pool to charge families for their children to learn to swim.

3) 4 Woodhall Drive

Objected the application, because:

- The development is not a 'not for profit voluntary project'
- The conversion of part of the front garden of the property to a gravel car park to cater for approximately 11 cars is totally inappropriate for the reasons for the Woodhall Estate has been constructed for residential purpose.
- The proposed change of use is contrary to the purpose of the Conservation Area.
- A substantial increase in traffic and in addition noise disturbance from the additional traffic.
- The construction of the car park is not permitted development, requiring planning permission.
- To maintain high hedges to shield the car park from view would make the entry and exit to the car park even more dangerous.

4) 7 Woodhall Drive

Objection to the application, because:

- A noticeable increase in the volume of traffic at the entrance to Woodhall Drive.
- A major part of the front garden that has been developed for a car park would have an adverse affect on the general environment of Woodhall Drive and may have an impact on water drainage and flooding in the area
- The Woodhall Estates are regarded as residential areas and not for the development of businesses.

5) 9 Woodhall Drive

Objected the application, concerning:

- Use proposed - It's a commercial business operating in a residential area and the applicant receives financial gain.
- Extensive usage
- Substantial increase in noise
- Visual Impact - The proposed level of activity will be clearly visible to passers-by drawing undue attention to a private residential area.
- Traffic congestion -the proposal would add additional traffic congestions at the time when parents pick-up their children from nearby schools.

- Adverse impact on neighbourhood - this rise in foot traffic and the sheer volume of people accessing facilities at 2 Woodhall Drive on a continual basis impacts significantly on a) traffic congestion at entrance to Woodhall Drive b) local residents' quality of life and c) the privacy of the neighbourhood d) further security risks

6) 14 Woodhall Drive

Objection to the application, because:

- Woodhall Drive has no pavements and the Woodhall Drive Estate is a residential area and is not designed for commercial activity.
- The change of use would also increase traffic which would put residents a increased risk.

7) 15 Woodhall Drive

Objected the application, because:

- The proposed change of use is not suitable for a residential estate which the Woodhall Estate is designated for
- Allowing one to be used for business purposes would create a very bad precedent as a few houses in Woodhall Drive have swimming pools
- The conversion of the garden to a car park is inappropriate of what was
- Increased volume of traffic which would cause congestion on College Road
- The users of the pool are from London base, rather than local children
- There is no shortage of public and school swimming pools in the area

8) 29 Woodhall Drive

Objection to the application, because:

- The activities are inappropriate in a residential area
- Who is going to monitor the development?
- The conversion of the garden to a car park is not lawful

9) 33 Woodhall Drive

Objected the application, because:

- The proposed use is not for local children
- The removal of the garden and its conversion into a car park is completely out of keeping with the estate and its surrounding
- Increased traffic flow have caused difficulty in entering the estate
- The development would cause the loss of the peacefulness and tranquility that a major and very positive part of the estate's atmosphere.

10) 2 Woodhall Avenue

Objection to the application, owing to:

- The proposed use is not appropriate to a residential estate
- Allowing swimming lessons would create an unwelcome precedent
- The increased traffic is sometimes very inconsiderate and a danger to pedestrians
- Increased traffic congestion
- A security aspect to inviting larger numbers of strangers to the Estate
- The conversion of the garden to a car park is not in the spirit of the Conservation Area
- Adequate swimming pools in the area

11) 3 Woodhall Avenue

Objected the application, concerning:

- the proposed use is not appropriate to the Estate where its affords the peace and tranquility
- The proposal would result in a large number of additional people entering the estate and invade the privacy of local residents

- the proposal would generate increased traffic flow and congestion
- The existence of a business would devalue the living environment and lessen the attractiveness of the Estate

12) 7 Woodhall Avenue

Objection to the application, owing to:

- The proposed change of use is not suitable for a residential estate with a unique design in incorporating family houses and a very green environment.
- The proposal has caused increased traffic and associated noise.
- The proposal would introduce a business with high usage on one day per week, which would significantly change the character of the area
- There are many swimming facilities for toddlers in the area
- The travel planning is unconvincing, as currently car appears to be used by most attendees

13) 86 College Road,

Supported the application, for teaching swimming to small children protects them from accidental drowning

14) 88 College Road

Objected the application, owing to:

- The development is inappropriate in a residential area within a conservation area
- The proposed activities would result in increased noise and congestion in the area.

15) 88a College Road

Objected the application, owing to:

- The development is inappropriate in a residential area within a conservation area
- The activity with cars coming and going is incessant and constitute a nuisance.
- The conversion of its front lawn to a car parking has caused unpleasant landscaping views from my house.

16) 90 College Rod

No objection to this application as it is very worthy undertaking

17) 97 College Road

Objected the application, owing to:

- This change would result in a business being run in a residential area.
- The conversion of the garden to a car park have impacted the view from our house, as well as the appearance of the application site.
- In the event that this application is approved the council should set a limit on the number of parking spaces available or the number of cars allowed per lesson.

18) 99 College Road

Supported the application, for teaching swimming to small children not only protects them from accidental drowning but also prepares them for a healthy life style.

19) College Road

Objected the application, because

- Additional traffic to a private road and a disturbance to the area
- Lessons would increase if granted as on one can monitor the scheme

20) 25 Stonehills Court, College Road

Supported the application, because

- It provides a local service to families in the area. Users are requested to use the parking spaces provided in the home owner's driveway and many people walk to

the pool so as to avoid inconvenience to people living nearby.

- It is good to build up a local network of mums / parents.

21) 34 Stonehills Court, College Road

Supported the application, because

- Very few private pools where parents can feel secure in taking their very young babies for a swim
- No undue disturbances caused by the private pool being used for swimming lessons and the parents are mindful of not creating any unnecessary traffic or noise.

22) 1 Dulwich Oaks Place, College Road

Supported the application, as the proposed activities do not affect us and offering this service to the community is a good idea.

23) Cllr.

Particularly concerned about traffic issues in what is a residential area.

24) 62 College Road

Supported the application, as the swimming lessons would not cause more traffic or noise.

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	Mrs N Sood	Reg. Number	12/AP/0200
Application Type	Full Planning Permission	Case Number	TP/2084-2
Recommendation	Refuse permission		

Draft of Decision Notice

Planning Permission was REFUSED for the following development:

Temporary change of use (for 12 months) of a residential swimming pool (Class C3) to allow babies/toddlers swimming lessons between 10:30 am and 2 pm, on 1 day a week with ancillary parking

At: 2 WOODHALL DRIVE, LONDON, SE21 7HJ

In accordance with application received on 25/01/2012

and Applicant's Drawing Nos. Design & Access/Planning Statement, Travel Plan, Location Plan, E35/22

Reason for refusal:

The introduction of a commercial use within an entirely residential estate would result in a detrimental impact upon residential amenity by reason of the associated comings and goings of vehicles and people within a small residential estate road. Furthermore the use of the front garden area for the parking of up to 11 vehicles would be out of character with the residential nature of the area and with the Dulwich Wood Conservation Area. As such the application would fail to comply with Strategic Policy 13 High Environmental Standards and Saved Southwark Plan Policies 3.2: Protection of Amenity, 3.15: Conservation of the Historic Environment and the National Planning Policy Framework 2012.

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