

## Planning Sub-Committee B

Tuesday 10 December 2013

7.00 pm

Room G02, 160 Tooley Street, London SE1 2QH

### Membership

Councillor Darren Merrill (Chair)  
Councillor Nick Stanton (Vice-Chair)  
Councillor Neil Coyle  
Councillor Nick Dolezal  
Councillor Jeff Hook  
Councillor Richard Livingstone  
Councillor Wilma Nelson

### Reserves

Councillor James Barber  
Councillor Sunil Chopra  
Councillor Renata Hamvas  
Councillor Helen Hayes  
Councillor David Hubber

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### INFORMATION FOR MEMBERS OF THE PUBLIC

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#### Access to information

You have the right to request to inspect copies of minutes and reports on this agenda as well as the background documents used in the preparation of these reports.

#### Babysitting/Carers allowances

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

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#### Contact

Gerald Gohler, Constitutional Officer, on 020 7525 7420 or email: [gerald.gohler@southwark.gov.uk](mailto:gerald.gohler@southwark.gov.uk)

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Members of the committee are summoned to attend this meeting

**Eleanor Kelly**

Chief Executive

Date: 2 December 2013



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## Planning Sub-Committee B

Tuesday 10 December 2013  
7.00 pm  
Room G02, 160 Tooley Street, London SE1 2QH

### Order of Business

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1.	<b>INTRODUCTION AND WELCOME</b>	
2.	<b>APOLOGIES</b>	
3.	<b>DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS</b>	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
4.	<b>CONFIRMATION OF VOTING MEMBERS</b>	
	A representative of each political group will confirm the voting members of the committee.	
5.	<b>ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT</b>	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	<b>MINUTES</b>	1 - 5
	To approve the minutes of the meeting held on 23 October 2013 as a correct record of the meeting and signed by the chair.	
7.	<b>DEVELOPMENT MANAGEMENT ITEMS</b>	6 - 11
	7.1. <b>FLAT 8, HIGHLAND COURT, 182 OVERHILL ROAD, LONDON SE22 0EB</b>	12 - 22

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Date: 2 December 2013



## PLANNING SUB-COMMITTEE

### Guidance on conduct of business for planning applications, enforcement cases and other planning proposals

1. The reports are taken in the order of business on the agenda.
2. The officers present the report and recommendations and answer points raised by members of the sub-committee.
3. Your role as a member of the planning sub-committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons in accordance with the statutory planning framework.
4. The following may address the sub-committee (if they are present and wish to speak) for **not more than 3 minutes each**.

(a) One representative (spokesperson) for any objectors. If there is more than one objector wishing to speak, the time is then divided within the 3-minute time slot.

(b) The applicant or applicant's agent.

(c) One representative for any supporters (who live within 100 metres of the development site).

(d) Ward councillor (spokesperson) from where the proposal is located.

(e) The members of the sub-committee will then debate the application and consider the recommendation.

Note: Members of the sub-committee may question those who speak only on matters relevant to the roles and functions of the planning sub-committee that are outlined in the constitution and in accordance with the statutory planning framework.

5. If there are a number of people who are objecting to, or are in support of, an application or an enforcement of action, you are requested to identify a representative to address the sub-committee. If more than one person wishes to speak, the 3-minute time allowance must be divided amongst those who wish to speak. Where you are unable to decide who is to speak in advance of the meeting, you are advised to meet with other objectors in the foyer of the council offices prior to the start of the meeting to identify a representative. If this is not possible, the chair will ask which objector(s) would like to speak at the point the actual item is being considered.

Note: Each speaker should restrict their comments to the planning aspects of the proposal and should avoid repeating what is already in the report.

6. This is a council committee meeting, which is open to the public and there should be no interruptions from the audience.

7. No smoking is allowed at council committees and no recording is permitted without the consent of the meeting on the night, or consent in advance from the chair.

**The arrangements at the meeting may be varied at the discretion of the chair.**

**Contacts:** The Head of Development Manager  
Chief Executive's Department  
Tel: 020 7525 5437; or

Planning Sub-Committee Clerk, Constitutional Team  
Corporate Strategy Division  
Tel: 020 7525 7420



## Planning Sub-Committee B

MINUTES of the Planning Sub-Committee B held on Wednesday 23 October 2013 at 7.00 pm at 132 Queens Road, London SE15 2HP

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**PRESENT:** Councillor Darren Merrill (Chair)  
Councillor Neil Coyle  
Councillor Nick Dolezal  
Councillor Richard Livingstone  
Councillor Wilma Nelson

**OTHER MEMBERS PRESENT:** Councillor Adele Morris

**OFFICER SUPPORT:** David Cliff (Development Management)  
Sadia Hussain (Legal Officer)  
Zayd Al-Jawad (Development Management)  
Gerald Gohler (Constitutional Officer)

### 1. INTRODUCTION AND WELCOME

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

### 2. APOLOGIES

There were apologies for absence from Councillor Jeff Hook and Nick Stanton.

### 3. CONFIRMATION OF VOTING MEMBERS

The members of the committee present were confirmed as the voting members.

### 4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

## 5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair drew councillors' attention to the fact that an addendum report had been circulated.

## 6. MINUTES

### RESOLVED:

That the minutes of the meeting held on the 9 July 2013 be approved as a correct record and signed by the chair.

## 7. DEVELOPMENT MANAGEMENT ITEMS

### ADDENDUM REPORT

The addendum report had not been circulated five clear days in advance of the meeting, nor had it been available for public inspection during that time. The chair agreed to accept the item as urgent to enable members to be aware of late observations, consultation, responses, additional information and revisions.

### RESOLVED:

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports on the agenda 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 and draft decision notices unless otherwise stated.
3. That where reasons for the decision or condition are not included in the report relating to an individual item, that they be clearly specified.

### 7.1 TITAN HOUSE, 144 SOUTHWARK STREET, LONDON SE1 0UP

**Planning application reference number 12/AP/3715.**

Report: See pages 14 to 28 of the agenda pack.

### PROPOSAL

*Extension of the office floorspace at 5th floor level and the creation of two additional floors at 6th and 7th floor level (7th floor set back). The 6th floor will accommodate additional office space and the 7th floor will accommodate a 2 bed residential unit with a roof terrace. Also proposed is a lift shaft on the western elevation, the recladding of the existing building*

*and replacement windows.*

The sub-committee heard an introduction to the report from a planning officer. Members asked questions of the officer.

Members heard a representation from a spokesperson for the objectors to the application, and asked questions.

The representative of the applicant made representations to the sub-committee and answered members' questions.

There were no supporters living within 100 metres of the development site, who wished to speak.

Councillor Adele Morris spoke in her capacity as a ward member. Members of the committee asked questions of Councillor Morris.

Members debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared to be carried.

**RESOLVED:**

That planning permission for application number 12/AP/3715 be granted, subject to the conditions set out in the report.

**Note:** Following the meeting, officers informed the chair that consultation was required with English Heritage as the development may affect the setting of a Grade II\* Listed Building. This consultation was subsequently carried out, and as English Heritage did not raise any objection, the decision notice was issued.

**7.2 HOOPERS, 28 IVANHOE ROAD, LONDON SE5 8DH**

**Planning application reference number 13/AP/2004.**

Report: See pages 29 to 40 of the agenda pack.

**PROPOSAL**

*Change of use of ground and lower ground floors which formerly formed Public House into three self contained residential units. The upper parts being previously converted into five self contained flats.*

The sub-committee heard an introduction to the report from a planning officer. Members asked questions of the officer.

Members heard a representation from spokespersons for the objectors to the application,



and asked questions.

The applicant and applicant's agent made representations to the sub-committee and answered members' questions.

There were no supporters living within 100 metres of the development site, who wished to speak.

There were no ward councillors, who wished to speak.

Members debated the application and asked questions of the officers.

A motion to grant planning permission was moved, seconded, put to the vote and declared to be carried.

**RESOLVED:**

That planning permission for application number 13/AP/2004 be granted, subject to the conditions set out in the report.

**7.3 DULWICH COLLEGE, COLLEGE ROAD, LONDON SE21 7LG**

**Planning application reference number 13/AP/1617.**

Report: See pages 41 to 52 of the agenda pack.

**PROPOSAL**

*Installation of single storey temporary accommodation to provide science teaching classrooms plus ancillary support facilities.*

The sub-committee heard an introduction to the report from a planning officer.

There were no objectors present wishing to speak.

The applicant did not attend the meeting.

There were no supporters living within 100 metres of the development site, who wished to speak.

There were no ward councillors, who wished to speak.

Members debated the application and asked questions of the officers.

A motion to grant temporary planning permission was moved, seconded, put to the vote and declared to be carried.

**RESOLVED:**

That temporary planning permission for application number 13/AP/1617 be granted, subject to the conditions set out in the report.

The meeting ended at 9.35 pm

**CHAIR:**

**DATED:**

<b>Item No.</b> 7.	<b>Classification:</b> Open	<b>Date:</b> 10 December 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Proper Constitutional Officer	

### 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 planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

### KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
  - a. 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.
  - b. 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.
  - c. 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.

6. Each of the following items are preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
7. 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 maybe substantial if the matter is dealt with at a public inquiry.
8. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
10. All legal/counsel fees and costs as well as awards of costs against the council are borne by the budget of the relevant department.

#### **Community impact statement**

11. Community impact considerations are contained within each item.

#### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

##### **Director of Legal Services**

12. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the head of development management 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.
13. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management 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 director of legal services, and which is satisfactory to the head of development management. 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 director of legal services. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is

contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).

15. Section 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).
16. 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.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
  - a. necessary to make 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.

A planning obligation may only constitute a reason for granting planning permission if it complies with the above statutory tests."

18. 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.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

policies in the Southwark Plan to the policies in the NPPF, the greater the weight that may be given.

## BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer as listed or Gary Rice 020 7525 5437

## APPENDICES

No.	Title
None	

## AUDIT TRAIL

<b>Lead Officer</b>	Ian Millichap, Constitutional Manager	
<b>Report Author</b>	Kenny Uzodike, Constitutional Officer Jonathan Gorst, Head of Regeneration & Development Team	
<b>Version</b>	Final	
<b>Dated</b>	6 November 2012	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Legal Services	Yes	Yes
Head of Development Management	No	No
<b>Cabinet Member</b>	No	No
<b>Date final report sent to Constitutional Team</b>		6 November 2012

**ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE B****on Tuesday 10 December 2013**

**Appl. Type** Full Planning Permission  
**Site** FLAT 8, HIGHLAND COURT, 182 OVERHILL ROAD, LONDON, SE22 0EB

**Reg. No.** 12-AP-2745**TP No.** TP/2555-186**Ward** College**Officer** Dipesh Patel**Recommendation** GRANT PERMISSION***Item 7.1*****Proposal**

Retrospective application to retain glass balustrade installed to perimeter of rear flat roof parapet and to use the enclosed area as a patio/terrace.

**Appl. Type** Full Planning Permission  
**Site** FLAT 8, HIGHLAND COURT, 182 OVERHILL ROAD, LONDON, SE22 0EB

**Reg. No.** 12-AP-2746**TP No.** TP/2555-186**Ward** College**Officer** Dipesh Patel**Recommendation** GRANT PERMISSION***Item 7.2*****Proposal**

To retain glass balustrade installed to perimeter of the flat roof to the northeast of 8 Highland Court solely provide edge protection during maintenance operations; original Juliet balustrade to be reinstalled across of existing patio doorway to prevent recreational use of flat roof

**Appl. Type** Full Planning Permission  
**Site** CHURCH OF ST PETER, LORDSHIP LANE, LONDON, SE22 8LD

**Reg. No.** 13-AP-3111**TP No.** TP/2315-L**Ward** College**Officer** Neil Loubser**Recommendation** GRANT PERMISSION***Item 7.3*****Proposal**

Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild loose stone gate posts to original design in adjusted locations for vehicular access to site; removal of modern fall gate and installation of three turn down bollards.

**Appl. Type** Listed Building Consent  
**Site** CHURCH OF ST PETER, LORDSHIP LANE, LONDON, SE22 8LD

**Reg. No.** 13-AP-3006**TP No.** TP/2315-L**Ward** College**Officer** Neil Loubser**Recommendation** GRANT PERMISSION***Item 7.4*****Proposal**

Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild loose stone gate posts to original design in adjusted locations for vehicular access to site; removal of modern fall gate and installation of three turn down bollards.

**Appl. Type** Full Planning Permission  
**Site** HUNTSMAN AND HOUNDS, 70 ELSTED STREET, LONDON, SE17 1QG

**Reg. No.** 13-AP-3279**TP No.** TP/1287-70**Ward** East Walworth**Officer** Susannah Pettit**Recommendation** GRANT PERMISSION***Item 7.5*****Proposal**

**ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE B****on Tuesday 10 December 2013**

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Retention of the front section of the building comprising retained ground floor and basement public house (Class A4).  
Redevelopment of the rear section of the existing public house comprising the construction of a four storey rear extension, which together with the conversion of the existing upper floors of the public house provides a total of 8 self-contained residential units (Class C3) including 1xstudio unit, 3 x 1-bedroom and 4 x 2-bedroom units with balconies. Installation of PV solar panels at roof level and associated cycle storage for 12 bicycles and bin storage.

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**Appl. Type** Full Planning Permission

**Site** CAMBER LAWN TENNIS CLUB, DULWICH COMMON, LONDON, SE21 7EX

**Reg. No.** 13-AP-3002

**TP No.** TP/2082-L

**Ward** College

**Officer** Neil Loubser

**Recommendation** GRANT PERMISSION

**Proposal**

Erection of a new clubhouse on former site

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***Item 7.6***



Date 28/11/2013



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<b>Item No.</b> 7.1	<b>Classification:</b> OPEN	<b>Date:</b> 10 December 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 12/AP/2745 for: Full Planning Permission  <b>Address:</b> FLAT 8, HIGHLAND COURT, 182 OVERHILL ROAD, LONDON SE22 0EB  <b>Proposal:</b> Retrospective application to retain glass balustrade installed to perimeter of rear flat roof parapet and to use the enclosed area as a patio/terrace.		
<b>Ward(s) or groups affected:</b>	College		
<b>From:</b>	Head of development management		
<b>Application Start Date</b>	10/10/2012	<b>Application Expiry Date</b>	05/12/2012
<b>Earliest Decision Date</b> 10/10/2013			

## RECOMMENDATION

- 1 That planning permission be granted.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application site is a an upper second floor flat on a part three and part four storey development containing nine flats. It is located on the northern side of Overhill Road. Immediately to the east is 180 Overhill Road, a development containing 10 flats while to the northwest are the semi-detached dwellings on Mount Adon Park. The area is predominately residential and the site is not within a conservation area or within the vicinity of a listed building or structure.

### Details of proposal

- 3 The proposal is for the retention of a balustrade that has been constructed around a flat roof to the northeast of flat 8 and for the use of the flat roof as a terrace. The construction of the balustrade was undertaken without planning permission, details of which are discussed below. The balustrade was, according to the applicant, installed for health and safety reasons - to provide edge protection for anyone accessing the flat roof for maintenance or other such purposes. Subsequently, the occupier of this flat started to use the flat roof as a terrace. This application has been submitted to regularise the breach.

### Planning history

- 4 08-AP-2432  
Planning permission granted on 14 April 2009 for the:  
Demolition of existing building and garage block. Construction over three and four storeys of seven two bed flats and two one bed flats with 6 parking spaces, cycle and refuse storage and associated amenity space.

- 5 Several conditions were imposed on this permission but most notable with reference to this application is condition 10 which reads:
- 6 *The section of flat roof on the second floor, overlooked by Flat 8 on Plan no. E328/PP/003 hereby permitted shall not be used as an amenity area including use as a roof terrace or balcony or for the purpose of sitting out.*  
*Reason*  
*In order that the privacy of other units within the block and the gardens of the adjoining properties may be protected from overlooking from use of the roof area in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.*
- 7 The area referred to in the condition is the area subject to this application.

#### 12-AP-2746

- 8 Planning application to:  
 To retain glass balustrade installed to perimeter of the flat roof to the northeast of 8 Highland Court solely to provide edge protection during maintenance operations; original Juliet balustrade to be reinstalled across of existing patio doorway to prevent recreational use of first roof.
- 9 This is an application submitted simultaneously with the present one and is also under consideration at this meeting. Should both applications be granted permission, the applicant has advised that the permission requested by this application will be implemented. Implementation of this permission will be apparent because a condition is recommended to require the installation of a privacy screen (discussed below) following submission if its details for approval.

#### 12-EN-0116

- 10 Planning enforcement investigation into a breach of condition 10 of planning permission reference 08-AP-2432. The present application and application reference 12-AP-2746 were submitted following the commencement of the enforcement investigation to regularise the breach. This case has been closed and a separate investigation has been opened up under reference 13-AP-0334, awaiting the outcome of this application and 12-AP-2746.

### **Planning history of adjoining sites**

- 11 None of relevance

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

- 12 The main issues to be considered in respect of this application are:
- a. The impact of the development on the amenity of neighbouring properties
  - b. The design of the balustrade

### **Planning policy**

- 13 Core Strategy 2011

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

14 Southwark Plan 2007 (July) - saved policies

The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF. The following saved policies are considered particularly relevant for this application:

Policy 3.2- Protection of Amenity  
Policy 3.13- Urban Design

15 London Plan 2011

Policy 7.6- Architecture  
Policy 7.15- Reducing Noise and Enhancing Soundscapes

16 National Planning Policy Framework (NPPF)

This application should be assessed against the NPPF as a whole but of particular relevance are the following sections:

7- Requiring good design  
12- Conserving and enhancing the natural environment

**Principle of development**

- 17 Condition 10 of planning permission 08-AP-2432 prohibited the use of the flat roof as a terrace. This condition was imposed to protect the privacy of adjoining gardens and the new units created by that permission. Following the receipt of the enforcement complaint, a site inspection was undertaken and having viewed the flat roof in its context and juxtaposition with neighbouring properties. It was felt that the harm to local amenity may not be as significant as was thought at the time the 2008 application was being considered, when the assessment was made on the drawings submitted. There are a number of other patios on the site and the use of the flat roof as a terrace is acceptable in principle, so long as it complies with relevant planning policies and material considerations with respect to protection of local amenity.

**Environmental impact assessment**

- 18 Not required for a development of this nature

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

- 19 The terrace will afford new views into neighbouring properties to the north and east. The properties most likely to be affected are the dwellings on Mount Adon Park, flats at 180 Overhill Road and of course other flats within 182 Overhill Road.

Potential impacts on these sites are discussed below.

20 Mount Adon Park.

The rear gardens of the dwellings on this road are relatively close to the flat roof, the

closest being approximately 7.5m to the northwest with the dwellings themselves being approximately 30m in the same direction. There is substantial screening afforded by vegetation between the application site and the residential properties on Mount Adon Park which, together with the distance separation means that loss of privacy from overlooking is not considered to be substantial. There is certainly the potential for it to occur and to mitigate, it is recommended that a condition be imposed requiring a suitable screen to be erected along the northwestern part of the flat roof. Such a screen would prevent views likely to reduce privacy for the occupiers of Mount Adon Park.

21 180 Overhill Road

This development, being closer to the application site is potentially more sensitive. As is the case with Mount Adon Park, there is screening from vegetation. A significant difference is that there are windows for both of these developments presently providing a degree of overlooking due to the close proximity of the sites. The proposed terrace is not likely to exacerbate this matter to an unacceptable degree. Indeed, there are outdoor amenity spaces at 182 Overhill Road closer to 180 Overhill Road.

22 182 Overhill Road

The only areas that are likely to be overlooked by users of the terrace are the amenity spaces for flats 2 and 3 which are to the northeast and southwest of the terrace, respectively. There are presently views afforded into these amenity areas from flats at second floor level; the use of the flat roof as a terrace will not significantly add to this effect.

23 Noise

As referred to above, there are private outdoor amenity spaces on the northeast part of the site and the addition of a terrace area is not likely to add significantly to any noise disturbance that may presently be experienced by nearby residential properties. Furthermore, the noise from the use of the gardens on Mount Adon Park- being closer to each other - is more likely to be noticed by other residents on this road than any noise from the terrace. Should the terrace be used unreasonably and cause a noise nuisance, the Council has power under the Environmental Protection Act 1990 to take enforcement action to abate the nuisance.

- 24 Two letters of objection have been received from residents of 12A and 12B Mount Adon Park making reference to loss of privacy and noise. These matters have been considered on the assessment above.

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

- 25 There are no nearby uses that would adversely affect this development

**Design issues**

- 26 The balustrade is constructed of glass with a brushed aluminium rail and supports of white powder coated metal. It has been designed to match external balustrades elsewhere on the development. The balustrade on this flat roof causes no harm to the design of the parent building.

**Planning obligations (S.106 undertaking or agreement) and Community Infrastructure Levy (CIL).**

- 27 The proposal is below the threshold for a S106 payment. No additional residential units have been created and change of use relates to a space of less than 100sq.m,

thus the development is not liable for the CIL.

### **Conclusion on planning issues**

- 28 The use of the flat roof at 8 Highland Court as a terrace is not likely give rise to unacceptable harm to local amenity subject to a condition requiring details of a privacy screen to be submitted for approval, installed and maintained. Due to the proximity of existing outdoor amenity spaces, noise from the terrace is similarly not likely to cause unacceptable harm. It is recommended that planning permission is granted.

### **Community impact statement**

- 29 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. No impact on a group with the above protected characteristics expected.

### **Consultations**

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

### **Consultation replies**

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

### **Summary of consultation responses**

- 32 Objections from the occupiers of 12A and 12B Mount Adon Park referring to loss of privacy and additional noise. These matters have been discussed above.
- 33 A letter of support has also been received from the occupiers of Flat 8, who are not the applicant. This letter highlights that the flat roof provides additional amenity space for them and that access to it is vital for maintenance, especially for the clearance of debris which gathers from nearby trees.

### **Human rights implications**

- 34 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.
- 35 This application has the legitimate aim of providing a terrace for a residential premises. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2555-186 Application file: 12/AP/2745 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 1778 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Dipesh Patel, Team Leader major applications team	
<b>Version</b>	Final	
<b>Dated</b>	27 November 2013	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		28 November 2013

**APPENDIX 1****Consultation undertaken****Site notice date:** 17/09/2013**Press notice date:** N/A**Case officer site visit date:** 17/07/12**Neighbour consultation letters sent:**

11 September 2012

**Internal services consulted:**

None

**Statutory and non-statutory organisations consulted:**

None

**Neighbours and local groups consulted:**

STUDIO 24 MOUNT ADON PARK LONDON SE22 0DT  
 14 MOUNT ADON PARK LONDON SE22 0DT  
 10 MOUNT ADON PARK LONDON SE22 0DT  
 FLAT 9 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB  
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FLAT 1 178 OVERHILL ROAD LONDON SE22 0PS  
FLAT 3 178 OVERHILL ROAD LONDON SE22 0PS  
FLAT 2 178 OVERHILL ROAD LONDON SE22 0PS

**APPENDIX 2****Consultation responses received****Neighbours and local groups**

Objections from the occupiers of 12A and 12B Mount Adon Park referring to loss of privacy and additional noise. These matters have been discussed above.

A letter of support has also been received from the occupiers of Flat 8, who are not the applicant, referred to above.

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## RECOMMENDATION

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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.

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<b>Applicant</b>	True Mark Trust	<b>Reg. Number</b>	12/AP/2745
<b>Application Type</b>	Full Planning Permission	<b>Case</b>	TP/2555-186
<b>Recommendation</b>	Grant permission	<b>Number</b>	

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Retrospective application to retain glass balustrade installed to perimeter of rear flat roof parapet and to use the enclosed area as a patio/terrace.

**At:** FLAT 8, HIGHLAND COURT, 182 OVERHILL ROAD, LONDON SE22 0EB

**In accordance with application received on 20/08/2012**

**and Applicant's Drawing Nos.** Statement In Support of Planning Application, 8HC/1A, 8HC/2A, 8HC/3A (photographs of flat roof area), 8HC/4A, 8HC/5 (locaton plan) and 8HC/6

**Subject to the following condition:**

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 1 Within one month of the date of this decision, details of a privacy screen which should be 1.8m above the floor level of the terrace, extend the full with of its northwest flank and of be of a material or materials to prevent views through the screen, shall be submitted to the local planning authority for approval. The approved screen shall be installed within two months of the date of its approval and permanently retained thereafter.

**Reason:**

To prevent overlooking and loss of privacy to the residents of Mount Adon Park in accordance with Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007; Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and the National Planning Policy Framework 2012.

**Statement of positive and proactive action in dealing with the application**

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website.



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<b>Item No.</b> 7.2	<b>Classification:</b> OPEN	<b>Date:</b> 10 December 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 12/AP/2746 for: Full Planning Permission  <b>Address:</b> FLAT 8, HIGHLAND COURT, 182 OVERHILL ROAD, LONDON SE22 0EB  <b>Proposal:</b> To retain glass balustrade installed to perimeter of the flat roof to the northeast of 8 Highland Court solely provide edge protection during maintenance operations; original Juliet balustrade to be reinstalled across of existing patio doorway to prevent recreational use of flat roof.		
<b>Ward(s) or groups affected:</b>	College		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 10/10/2012		<b>Application Expiry Date</b> 05/12/2012	
<b>Earliest Decision Date</b> 04/10/2013			

## RECOMMENDATION

- 1 That planning permission be granted.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application site is a an upper second floor flat on a part three and part four storey development containing nine flats. It is located on the northern side of Overhill Road. Immediately to the east is 180 Overhill Road, a development containing 10 flats while to the northwest are the semi-detached dwellings on Mount Adon Park. The area is predominately residential and the site is not within a conservation area or within the vicinity of a listed building or structure.

### Details of proposal

- 3 The proposal is for the retention of a balustrade that has been constructed around a flat roof to the northeast of flat 8 and the re-introduction of a Juliet balustrade prevented access to the flat roof. The construction of the balustrade was undertaken without planning permission, details of which are discussed below. It was, according to the applicant, installed for health and safety reasons, to provide edge protection for anyone accessing the flat roof for maintenance or other such purposes.

### Planning history

- 4 08-AP-2432  
Planning permission granted on 14 April 2009 for the:  
Demolition of existing building and garage block. Construction over three and four storeys of seven two bed flats and two one bed flats with 6 parking spaces, cycle and refuse storage and associated amenity space.

5 Several conditions were imposed on this permission but most notable with reference to this application is condition 10 which reads:

6 *The section of flat roof on the second floor, overlooked by Flat 8 on Plan no. E328/PP/003 hereby permitted shall not be used as an amenity area including use as a roof terrace or balcony or for the purpose of sitting out.*

*Reason*

*In order that the privacy of other units within the block and the gardens of the adjoining properties may be protected from overlooking from use of the roof area in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.*

7 The area referred to in the condition is the area subject to this application.

12-AP-2745

8 Planning application for:

Retrospective application to retain glass balustrade installed to perimeter of rear flat roof parapet and to use the enclosed area as a patio/terrace.

9 This is an application submitted simultaneously with the present one and is also under consideration at this meeting. Should both applications be granted permission, the applicant has advised that 12-AP-2745 will be implemented that retains the use of the flat roof as a terrace. Implementation of this permission will be apparent because a condition is recommended for that application to require the installation of a privacy screen following submission if its details for approval.

12-EN-0116

10 Planning enforcement investigation into a breach of condition 10 of planning permission reference 08-AP-2432. The present application and application reference 12-AP-2745 were submitted following the commencement of the enforcement investigation to regularise the breach. This case has been closed and a separate investigation has been opened up under reference 13-AP-033, awaiting the outcome of this application and 12-AP-2745.

**Planning history of adjoining sites**

11 None of relevance

**KEY ISSUES FOR CONSIDERATION**

**Summary of main issues**

12 The main issues to be considered in respect of this application are:

- a. The impact of the development on the amenity of neighbouring properties
- b. The design of the balustrade

**Planning policy**

13 Core Strategy 2011

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

14 Southwark Plan 2007 (July) - saved policies

The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF. The following saved policies are considered particularly relevant for this application:

Policy 3.2 - Protection of Amenity  
Policy 3.13 - Urban Design

15 London Plan 2011

Policy 7.6 - Architecture  
Policy 7.15 - Reducing Noise and Enhancing Soundscapes

16 National Planning Policy Framework (NPPF)

This application should be assessed against the NPPF as a whole but of particular relevance are the following sections:

7- Requiring good design  
12- Conserving and enhancing the natural environment

**Principle of development**

- 17 The principle of a balustrade at this location is considered to be acceptable, so long it complies with relevant planning policies and material considerations. It will provide edge protection for any people accessing the flat roof for maintenance.

**Environmental impact assessment**

- 18 Not required for an application of this nature.

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

- 19 The balustrade will not result in any overlooking or additional noise for neighbouring properties as the use of the flat roof would not be used as a patio/terrace if planning permission is granted. A Juliet balustrade across the door used to access the flat roof would prevent unauthorised access. The use of the flat roof as a patio/terrace is prohibited by condition 10 of planning permission reference 08-AP-2432, this protection would remain in place. A condition is recommended to ensure that the Juliet balustrade is installed within two months of approval, should planning permission be granted.

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

- 20 There are no nearby uses that would adversely affect this development.

### **Design issues**

- 21 The balustrade is constructed of glass with a brushed aluminium rail and supports of white powder coated metal. They have been designed to match external balustrades elsewhere on the development. The balustrade on this flat roof causes no harm to the design of the parent building.

### **Planning obligations (S.106 undertaking or agreement) and Community Infrastructure Levy (CIL).**

- 22 The proposal is below the threshold for a S106 payment. No additional residential units have been created and there is no proposed change of use, thus this development is not liable for the CIL.

### **Conclusion on planning issues**

- 23 The balustrade reduces the risk of serious injury or death from a fall off the flat roof by introducing edge protection for anyone accessing the roof for maintenance. The design is considered to be acceptable. Condition 10 of planning permission 08-AP-2432 will continue to prevent the use of the flat roof as a terrace or patio.

### **Community impact statement**

- 24 In line with the council's Community Impact Statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. No adverse impact on any group with the above protected characteristics is expected should planning permission be granted or indeed refused.

### **Consultations**

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

### **Consultation replies**

- 26 Objections have been received from neighbours at 12A and 12B Mount Adon Park. A letter of support was received from the occupiers of 8 Highland Court, who are not the applicant.

### **Summary of consultation responses**

- 27 Two objections to the proposal are in the form of identical letters. While the objectors refer to the balustrades being unsightly and distorting the roofline, the letters conclude by saying that a condition should be imposed to ensure that the original Juliet balustrade be re-installed and welded into position.
- 28 A condition has been recommended that will require the installation of a secure Juliet balustrade. Condition 10 of planning permission reference 08-AP-2432 prohibits the use of the flat roof as a patio/terrace.
- 29 A letter from the occupiers of 8 Highland Court refers to the fact that they need access to the flat roof for clearing debris that accumulates there in the form of leaves and twigs. The installation of the Juliet balustrade will make the access of the flat floor for such maintenance difficult.



- 30 The Juliet balustrade would indeed hinder access for maintenance, however, this forms part of the application and the maintenance of the flat roof would be a matter for the applicants to arrange as the owners of the property.

### Human rights implications

- 31 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.
- 32 This application has the legitimate aim of providing edge protection for people accessing the flat roof for maintenance. 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/2555-186 Application file: 12/AP/2746 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 1778 Council website: www.southwark.gov.uk

### APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received.
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Dipesh Patel, Team Leader major applications team	
<b>Version</b>	Final	
<b>Dated</b>	27 November 2013	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		28 November 2013

**APPENDIX 1****Consultation undertaken**

**Site notice date:** 29/11/13

**Press notice date:** N/A

**Case officer site visit date:** 17/07/12

**Neighbour consultation letters sent:**

11 September 2013

**Internal services consulted:**

None

**Statutory and non-statutory organisations consulted:**

None

**Neighbours and local groups consulted:**

FLAT 7 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB  
FLAT 6 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB  
FLAT 9 HIGHLAND COURT 182 OVERHILL ROAD LONDON SE22 0EB  
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FLAT 2 178 OVERHILL ROAD LONDON SE22 0PS

**APPENDIX 2****Consultation responses received****Neighbours and local groups**

2 letters of objection from the occupiers of 12A and 12B Mount Adon Park. The objections refer to the balustrade being unsightly, distorting the roof line. The objectors suggest that a condition requiring the Juliet Balustrade to be welted in position should be imposed. This is not considered necessary as the proposed Juliet balustrade would be secure enough to deter unauthorised access.

Letter of support from the occupiers of 8 Highland Court. Discussed above.

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## RECOMMENDATION

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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.

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<b>Applicant</b>	Trade Mark Trust	<b>Reg. Number</b>	12/AP/2746
<b>Application Type</b>	Full Planning Permission	<b>Case</b>	TP/2555-186
<b>Recommendation</b>	Grant permission	<b>Number</b>	

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

To retain glass balustrade installed to perimeter of the flat roof to the northeast of 8 Highland Court solely provide edge protection during maintenance operations; original Juliet balustrade to be reinstalled across of existing patio doorway to prevent recreational use of flat roof

**At:** FLAT 8, HIGHLAND COURT, 182 OVERHILL ROAD, LONDON SE22 0EB

**In accordance with application received on 20/08/2012**

**and Applicant's Drawing Nos.** Statement in support of planning application; 8HC/1B; 8HC/2B; 8HC/3B (photographs); 8HC/4B; 8HC/5 (location plan) and 8HC/6.

**Subject to the following condition:**

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 1 A Juliet balustrade of the type shown on page 3 of the document 8HC/3B shall be installed across the sliding patio doors to the lounge shown in drawing 8HC/1B within two months of the date of this permission.

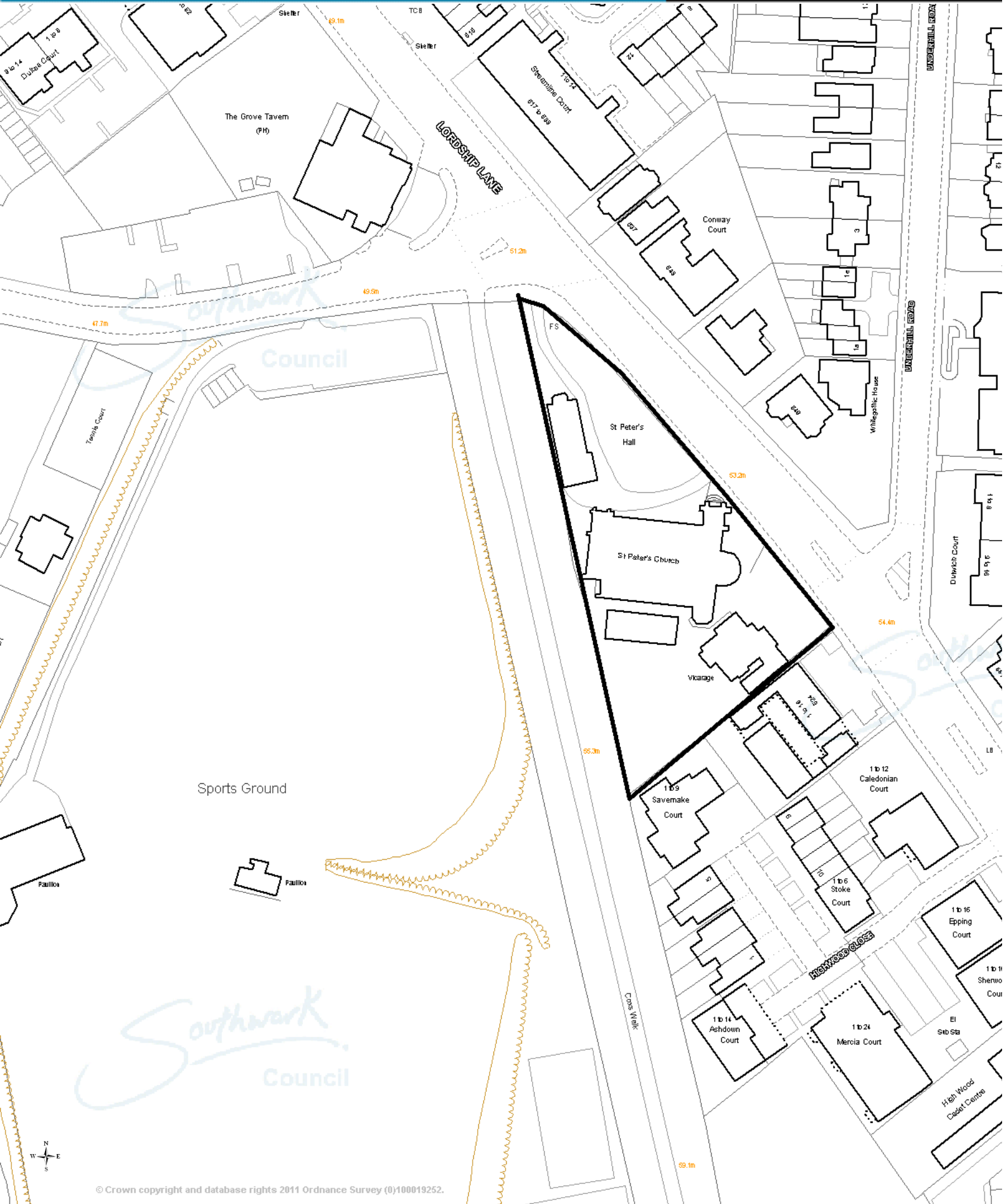
**Reason:**

To restrict access to the flat roof and protect neighbouring amenity in accordance with Saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007; Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and the National Planning Policy Framework 2012.

**Statement of positive and proactive action in dealing with the application**

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website.

Date 28/11/2013



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<b>Item No.</b> 7.3	<b>Classification:</b> OPEN	<b>Date:</b> 10 December 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 13/AP/3111 for: Full Planning Permission  <b>Address:</b> CHURCH OF ST PETER, LORDSHIP LANE, LONDON SE22 8LD  <b>Proposal:</b> Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild loose stone gate posts to original design in adjusted locations for vehicular access to site; removal of modern fall gate and installation of three turn down bollards.		
<b>Ward(s) or groups affected:</b>	College		
<b>From:</b>	Head of development management		
<b>Application Start Date</b> 09/09/2013		<b>Application Expiry Date</b> 04/11/2013	
<b>Earliest Decision Date</b> 19/10/2013			

## RECOMMENDATION

- 1 Grant planning permission

## BACKGROUND INFORMATION

- 2 This application has been referred to Planning Committee for determination as the application site is located on Metropolitan Open Land (MOL). It is annotated open space parcel 86 in the Adopted Southwark Plan (Churchyard).

### Site location and description

- 3 The application site is a late 19th century Church of St Peter and St Peter's Parish Hall which are Grade II listed. They stand in a prominent location on the busy South Circular Road at the junction of Lordship Lane and Dulwich Common. The site lies in the north-eastern corner of the Dulwich Wood Conservation Area which incorporates Dulwich Common and Dulwich Park, designated Metropolitan Open Land (MOL). The character of the area is one of open recreational space including playing fields, a golf course, allotments and formal gardens, interspersed with trees and woodlands. An avenue of trees on the western side forms part of the Metropolitan Green Chain Walks which links to adjoining Boroughs and the Thames Path.
- 4 The northern gate pier had been demolished and the adjoining railings damaged, while the southern pier, wall and railing were accidentally demolished.
- 5 The site is located within a Green Chain Park, Air Quality Management Area, Suburban Density Zone-South, Dulwich Wood Conservation Area, and Metropolitan Open Land as identified by the Development Plan.
- 6 **Listing of the Church of St Peter:** Church. 1873-75 and 1885. By Charles Barry Jnr. Tower completed 1885 when the west part of the nave was begun. Recently restored.



**MATERIALS:** Kentish ragstone with ashlar dressings and steeply pitched slated roofs; lavish polychrome interior. **STYLE:** Geometric Gothic. **PLAN:** 6-bay nave, aisles with lean-to roofs, apsed chancel. Tower to north east. Geometrical Gothic style. **EXTERIOR:** gabled entrance in west end of north elevation. Windows are mainly cusped lancets, in triplets to aisles, single to apse with trefoils above, the central one larger; pairs of leaded windows to clerestory. Large traceried west window with stained glass, c1891. Tall buttressed tower with slender slated broach spire has blind arcading above gabled entrance on north face; groups of 3 tall louvred bell openings to each face beneath spire. **INTERIOR:** Have marble columns to nave arcades, coloured brickwork and terracotta diapering. Open timber roof with some painting, especially to chancel. Choir vestry and organ chamber (to right of chancel) now a private chapel (organ relocated to west end). Pews recently dismantled and interior now open-plan. Floor rebuilt in concrete with steps up from lower nave to aisles. **FITTINGS:** Victorian fittings include metal light brackets, pulpit, font, reredos.

- 7 **Listing of the Church of St Peter's Parish Hall:** Parish hall. After 1897. Probably by Charles Barry Jnr. Kentish ragstone with ashlar dressings; steeply pitched tiled roof with louvred fleche for bell with copper spirelet. 3 bays, each with cusped triplet windows; single-storey. 2-bay later extension to east. Open timber roof. Now used for storage. **INTERIOR:** not inspected. Included for group value with the Church of St Peter (qv).

#### Details of proposal

- 8 Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild lose stone gate posts to original design in adjusted locations for safe vehicular access to site; removal of modern fall gate and installation of 3rd turn down bollards.

#### Planning history

Reg. No.	Appeal No.	Description	Summary
	APP/A5840/C/03/1108758	Breach of planning control the laying of compacted hardcore as new hardstanding without the benefit of planning permission	Appeal allowed in part
	APP/A5840/C/03/1108759	Breach of planning control the erection of two walls without the benefit of planning permission	Appeal allowed in part
	APP/A5840/C/03/1108760	Contravention of Listed Building Consent for (i) the erection of a wedge shape roof constructed with corrugated metal near the southern end of the Hall (ii) fitting of a fascia board measuring 4m x 1.5m located on the eastern side of the unauthorised roof	Appeal dismissed and the Listed Building Notice upheld
	APP/A5840/C/03/1108760	Contravention of Listed Building Consent for (i) alterations or demolition to the gate pier on the south side of the Lordship Lane entrance, (ii) alterations or demolition of approx 3m of ragstone wall immediately adjoining above pier, including the removal of decorative iron railings that surrounded the wall, (iii) alterations or demolition of pier to the North side of Lordship Lane entrance together with approx 1.5m decorative metal railings that previously surround the wall.	Appeal dismissed and the Listed Building Notice upheld
09/EN/0535		(1) erection of wedged shaped roof construction of corrugated metal near the southern end of the hall and supporting structure associated with said roof (11) fitting of fascia board measuring 4m x 1.5m and located on the eastern side of the unauthorised metal roof.	Pending negotiations
09/EN/0536		The laying of new surfacing materials	Pending submission of

		(hardstanding)	planning application
09/EN/0537		(1) alteration or demolition to the gate pier located on the South Side of Lordship lane entrance (11) Alteration or demolition of approximately 3 metres of the ragstone wall immediately adjoining the pier described in (1); and (111) a alteration or demolition to the gate pier located on the North Side of Lordship Lane together with 1.5 metres decorative metal railings which previously surmounted the adjoining boundary wall.	Subject to the outcome of 13-AP-3006 and 13-AP-3111
09/EN/0538		Erection of x 2 walls without listed building consent	Subject to the outcome of 13-AP-3006 and 13-AP-3111
13/AP/3006		Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild lose stone gate posts to original design in adjusted locations for safe vehicular access to site; removal of modern fall gate and installation of 3rd turn down bollards.	This application has been referred to Planning Committee for determination as the application site is located on Metropolitan Open Land (MOL).
13/AP/3111		Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild loose stone gate posts to original design in adjusted locations for vehicular access to site; removal of modern fall gate and installation of three turn down bollards.	This application has been referred to Planning Committee for determination as the application site is located on Metropolitan Open Land (MOL).

### Planning history of adjoining sites

- 10 None relevant to this application.

### KEY ISSUES FOR CONSIDERATION

#### Summary of main issues

- 11 The main issues to be considered in respect of this application are:
- a] the impact of the development on the Metropolitan Open Land;
  - b] the impact of the development on adjoining occupiers;
  - c] design issues;
  - d] impact on the Dulwich Wood Conservation Area;
  - e] impact on the Listed Buildings; and
  - f] highway safety.

### Planning policy

#### Core Strategy 2011

- 12 Strategic policy 11 - Open spaces and wildlife  
 Strategic policy 12 - Design and conservation  
 Strategic policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 13 The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 3.2 – Protection of amenity;  
 Policy 3.11 – Efficient use of land;  
 Policy 3.12 – Quality in design;  
 Policy 3.13 – Urban design;  
 Policy 3.14 - Designing Out Crime;  
 Policy 3.15 – Conservation of the historic environment  
 Policy 3.16 – Conservation areas;  
 Policy 3.17 – Listed Buildings;  
 Policy 3.25 – Metropolitan Open Land;  
 Policy 3.28 – Biodiversity;  
 Policy 5.2 - Transport impacts

London Plan 2011

- 14 Policy 5.3 - Sustainable design and construction  
 Policy 7.4 - Local character  
 Policy 7.6 – Architecture  
 Policy 7.8 – Heritage Assets and Archaeology  
 Policy 7.17 - Metropolitan Open Land

National Planning Policy Framework (NPPF)

- 15 Section 7 'Requiring good design'  
 Section 9 'Protecting Green Belt Land'  
 Section 12 'Conserving and enhancing the historic environment'

**Principle of development**

- 16 In principle there are no objections to the repair of the boundary wall to the churchyard along Lordship Lane including iron railings; rebuild lose stone gate posts to original design in adjusted locations for safe vehicular access to site; removal of modern fall gate and installation of 3rd turn down bollards. As the site is in Metropolitan Open Land it is necessary to consider whether it is appropriate development. Part 9 of the NPPF sets out the uses of land which are deemed to be appropriate in the Green Belt, which applies also to MOL. London Plan policy 7.17 and saved Southwark Plan policy 3.25 both apply to MOL. Within MOL, saved policy 3.25 states that appropriate development will include, inter-alia:
- 17 ii) Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of included land within MOL.
- 18 The proposals involve primarily repair of existing boundary treatments which are of a similar scale to those which have long existed here and therefore there is no material impact on openness nor is their conflict with the purposes of including this land within MOL. As such, the proposal is considered to be appropriate development in MOL in

accordance with the NPPF and Development Plan policy.

- 19 Furthermore, the development is considered acceptable provided the proposed design and materials of the boundary wall have due regard for the character, appearance and historic fabric of the Grade II Listed buildings and Dulwich Wood Conservation Area.

#### **Environmental impact assessment**

- 20 None required.

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

- 21 The design of the boundary wall is not to alter as the main purpose of the project is its repair. It is proposed to use salvaged or matching materials, such as Kentish rag stone, Bath stone, lime mortar and cast iron railing panels.. Accordingly, the proposed reinstatement of boundary wall, cast iron railings and bollards are considered to have a neutral impact on the amenity of surrounding occupiers.

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

- 22 None identified.

#### **Transport issues**

- 23 TfL is the highway authority for the A205 Lordship Lane which is directly adjacent to the site.
- 24 Applicant consulted with TFL's transport planners regarding the widening of the vehicular entrance to the site. A revised scheme was negotiated and found acceptable by TFL:
- 25 TFL raised concerns with proposal that sought to widen both the entrance and dropped kerb significantly.
- 26 Drawing number 202, as per the submitted proposal, was the outcome of these discussions. The gates are to be widened less than originally proposed, with widening to take place on both the south and north sides (rather than just the north side) and the dropped kerb to remain the same width.
- 27 Furthermore the proposal includes 3 x new turn down bollards to prevent unauthorised access to the designated parking spaces on the church yard. Layout of the turn down bollards would allow a single vehicle to stop within the allocated space, allows the driver to get out of his vehicle, unlock the bollard, drop it down, and gain access to the parking area.
- 28 The benefits of the new, submitted proposal is that narrowing of the footway on Lordship Lane to the north of the gates, due to the proximity to the street tree pit, is reduced whilst remaining above the absolute minimum 1000mm to allow a wheelchair user to pass.
- 29 The position of the crossover would not result in any safety issues nor would it have a detrimental impact on the classified road, pedestrians or any neighbouring residents.

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

- 30 Section 12, paragraph 129 of the NPPF (2012) requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 31 The principal design of the boundary wall is not to alter as the main purpose of the project is its repair. It is proposed to use salvaged or matching materials, such as Kentish rag stone, Bath stone, lime mortar and cast iron railing panels.
- 32 The stone piers to the south gate way will be reinstated to their original design using mainly salvaged materials from the site. It is however proposed to widen the gap between the two piers to provide safe vehicular access to the site. This will be achieved by reinstating the northern pier approximately 500mm to the north-west of its original position. This will result in the loss of one (lost) cast iron railing panel so that the original relationship between the pier and railing remains unchanged.
- 33 The lost southern pier is to be moved 250mm further south-east, resulting in the exiting wall terminating in the centre of the gate post pier rather at the corner. This is a minor alteration to the relationship between the pier and the wall.
- 34 The proposed works will significantly improve the appearance of the site and the wall by replacing the lost stretches of stonework and iron railings. The enlarged opening / vehicular access from Lordship Lane are not considered to have a negative impact on the appearance of the boundary or the listed buildings.
- 35 The iron railings will be carefully restored and where the panels have been lost, new railings will be cast to match the existing in order to complete the wall. New cast elements will be largely kept in one area, and existing salvaged ironwork moved to a new location in order to create a consistent appearance over the wall elevation. As such, the significant features would be safeguarded.
- 36 It is considered that the nature of the proposals is entirely complimentary to the listed building. The works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild lose stone gate posts to original design in adjusted locations for safe vehicular access to site; removal of modern fall gate and installation of three turn down bollards have been sensitively considered. No original features would be affected or lost by the proposed works.
- 37 Furthermore, the character and appearance of the Grade II Listed buildings have been accounted for within this proposal. The proposal is considered contextually sympathetic, and would preserve the character or appearance of the building, and the important fabric and architectural and historic interest of the boundary wall and railings themselves.

### **Impact on trees**

- 38 None envisaged; however the works will be conditioned to protect trees on site.

### **Planning obligations (S.106 undertaking or agreement)**

- 39 Not relevant to this application

### **Sustainable development implications**

- 40 None identified.

### **Other matters**

- 41 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. In this instance as the proposal does not create new floorspace CIL is not payable.

### **Conclusion on planning issues**

- 42 Overall, for the reasons explored above, it is considered that the proposal constitutes appropriate development in MOL, reinstates important contextual features to the listed buildings. It would contribute positively to the character and appearance of the area, and Dulwich Wood Conservation Area. It is therefore considered that subject to the imposition of suitable conditions that the development would be in accordance with the relevant policies of the Development Plan and should be granted.

### **Community impact statement**

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

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

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

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

### **Consultations**

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

### **Consultation replies**

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

### **Human rights implications**

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

- 47 This application has the legitimate aim of replacing existing boundary wall. 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/2315-L Application file: 13/AP/3111 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5451 Council website: www.southwark.gov.uk

## APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Neil Loubser, Senior Planner	
<b>Version</b>	Final	
<b>Dated</b>	28 November 2013	
<b>Key Decision</b>	None	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		28 November 2013

**APPENDIX 1****Consultation undertaken****Site notice date:** 26/09/2013**Press notice date:** 26/09/2013**Case officer site visit date:** 26/09/2013**Neighbour consultation letters sent:** 23/09/2013**Internal services consulted:**

Design and Conservation Team  
 Transport Planning Team

**Statutory and non-statutory organisations consulted:**

Transport for London (referable & non-referable app notifications and pre-apps)

**Neighbours and local groups consulted:**

547C LORDSHIP LANE LONDON SE22 8LB  
 FLAT 1 545 LORDSHIP LANE LONDON SE22 8LB  
 547A LORDSHIP LANE LONDON SE22 8LB  
 547B LORDSHIP LANE LONDON SE22 8LB  
 FLAT 4 545 LORDSHIP LANE LONDON SE22 8LB  
 FLAT 5 545 LORDSHIP LANE LONDON SE22 8LB  
 FLAT 2 545 LORDSHIP LANE LONDON SE22 8LB  
 FLAT 3 545 LORDSHIP LANE LONDON SE22 8LB  
 FLAT 6 543 LORDSHIP LANE LONDON SE22 8LB  
 535A LORDSHIP LANE LONDON SE22 8LA  
 FLAT 1 543 LORDSHIP LANE LONDON SE22 8LB  
 FLAT 2 537 LORDSHIP LANE LONDON SE22 8LA  
 FLAT 3 537 LORDSHIP LANE LONDON SE22 8LA  
 FLAT 4 543 LORDSHIP LANE LONDON SE22 8LB  
 FLAT 5 543 LORDSHIP LANE LONDON SE22 8LB  
 FLAT 2 543 LORDSHIP LANE LONDON SE22 8LB  
 FLAT 3 543 LORDSHIP LANE LONDON SE22 8LB  
 MANAGERS FLAT GROVE TAVERN 520 LORDSHIP LANE LONDON SE22 8LF  
 STAFF FLAT GROVE TAVERN 520 LORDSHIP LANE LONDON SE22 8LF  
 FLAT 7 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB  
 FLAT 8 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB  
 FLAT 6 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB  
 GROVE TAVERN 520 LORDSHIP LANE LONDON SE22 8LF  
 FLAT 1 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB  
 FLAT 6 545 LORDSHIP LANE LONDON SE22 8LB  
 FLAT 3A 545 LORDSHIP LANE LONDON SE22 8LB  
 FLAT 4 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB  
 FLAT 5 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB  
 FLAT 2 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB  
 FLAT 3 STREAMLINE COURT 15 STREAMLINE MEWS LONDON SE22 8SB  
 FLAT 1 537 LORDSHIP LANE LONDON SE22 8LA  
 6 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
 7 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
 4 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
 5 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
 10 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
 11 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
 8 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
 9 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
 3 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
 531A LORDSHIP LANE LONDON SE22 8LA  
 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD



1 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
2 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
533 LORDSHIP LANE LONDON SE22 8LA  
FLAT 13 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG  
FLAT 14 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG  
FLAT 11 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG  
FLAT 12 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG  
549 LORDSHIP LANE LONDON SE22 8LB  
535B LORDSHIP LANE LONDON SE22 8LA  
535C LORDSHIP LANE LONDON SE22 8LA  
FLAT 10 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG  
14 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
15 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
12 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
13 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
18 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
FLAT 9 STREAMLINE COURT 17 STREAMLINE MEWS LONDON SE22 8SG  
16 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD  
17 ST PETERS VICARAGE 522A LORDSHIP LANE LONDON SE22 8LD

**Re-consultation:**

N/A

**APPENDIX 2****Consultation responses received****Internal services**

Design and Conservation Team - No objections

Transport Team: Even though the Southwark Council's Transport Team provided comments it is not relevant to this application as TfL is the highway authority for the A205 Lordship Lane which is directly adjacent to the site.

**Statutory and non-statutory organisations**

TfL's Transport Team: Raised no objections. Their comments are:

TfL is the highway authority for the A205 Lordship Lane which is directly adjacent to the site.

TfL has been in previous contact with the applicant's consultants regarding the widening of the vehicular entrance to the site. This followed concerns I raised with a proposal that sought to widen both the entrance and dropped kerb significantly.

Drawing number 202, as per the submitted proposal, was the outcome of these discussions. In summary, the gates are to be widened less than originally proposed, with widening to take place on both the south and north sides (rather than just the north side) and the dropped kerb to remain the same width.

The benefits of the new, submitted proposal are a) that narrowing of the footway on Lordship Lane to the north of the gates, due to the proximity to the street tree pit, is reduced (whilst remaining above the absolute minimum 1000mm to allow a wheelchair user to pass) and b) a s278 agreement with TfL is probably unnecessary (which would have been the case if the dropped kerb was widened).

TfL did request that the appointed contractors ensure that the footway is altered as little as possible and that any damage is put right, and that the works should be carried out with a minimum impact on pedestrian and road safety and the footway must not be blocked during construction. Would be grateful if you could consider how these requirements could be secured through any forthcoming planning permission.

Question the desirability of, and need for, the turn-down bollards, given the relatively isolated site location. However the distance between the rear bollard and the carriageway, at 6.6m, is adequate and greater than the existing gate.

**Neighbours and local groups**

Letter of support received from Dulwich Society

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## RECOMMENDATION

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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.

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<b>Applicant</b>	Pastor Sunday Okenwa Deeper Life Bible Church	<b>Reg. Number</b>	13/AP/3111
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2315-L
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild loose stone gate posts to original design in adjusted locations for vehicular access to site; removal of modern fall gate and installation of three turn down bollards.

**At:** CHURCH OF ST PETER, LORDSHIP LANE, LONDON SE22 8LD

**In accordance with application received on 09/09/2013**

**and Applicant's Drawing Nos.** Design and Access Statement and Supporting Statement; Location plan; Drawing No's: 100; 202; 203; 204

**Subject to the following six conditions:**

**Time limit for implementing this permission and the approved plans**

- 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: 100; 202; 203; 204

Reason:

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

**Pre-commencement condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 Prior to works commencing on site, including any demolition, details of the means by which any existing trees 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, and 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, 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.  
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 (see endnote 10) 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

**Reason**

To ensure the protection of the existing trees in accordance with The National Planning Policy Framework 2012, Strategic Policy 11 Open spaces and wildlife of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.28 Biodiversity of The Southwark Plan 2007.

- 4 Before any work hereby authorised begins, details of the foundation works [to include details of a trial hole(s) or trench(es) to check for the position of roots] to be used in the construction of this development showing how the roots of the tree(s) will be protected shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any such approval given. All works shall adhere to National Joint Utility Group, Guidance 10 - Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2).

**Reason:**

To avoid damage to the existing trees which represent an important visual amenity in the area in accordance with The National Planning Policy Framework 2012, Strategic Policy 11 Open spaces and wildlife and Saved Policies 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 5 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved, apart from any details approved pursuant to condition 3 of 13AP3006, unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

**Reason**

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

- 6 Drawings (scale 1:20) for all new turn down bollards shall be submitted to this Local Planning Authority and approved in writing; the development shall not be carried out otherwise than in accordance with any such approval given.

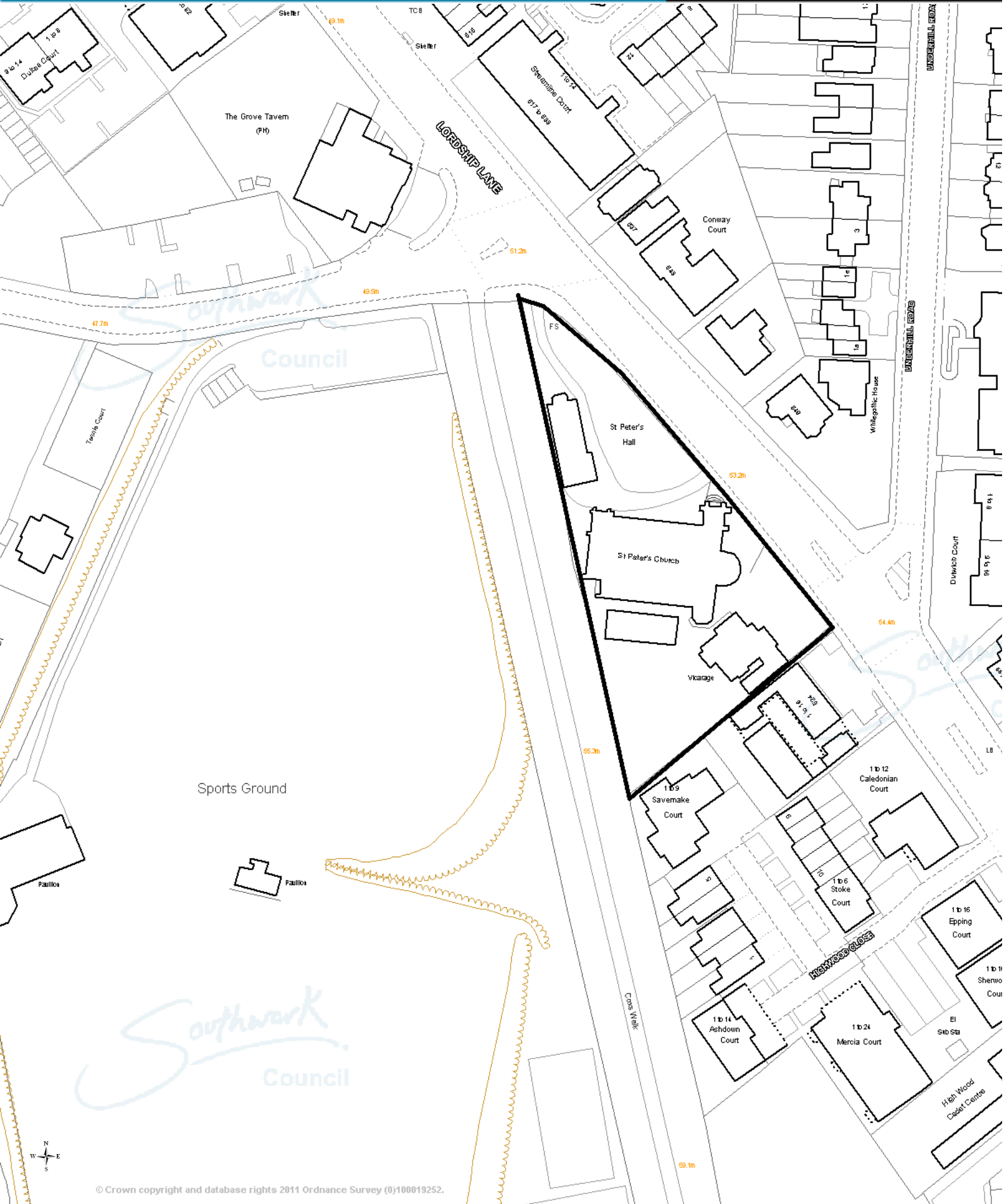
**Reason:**

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings; of The Southwark Plan 2007.

**Statement of positive and proactive action in dealing with the application**

To assist applicants the Local Planning Authority has produced policies and written guidance, all of which is available on the Council's website and offers a pre planning application advice service. The proposal complies with the policies and guidance. The local planning authority delivered the decision in a timely manner.

Date 28/11/2013



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<b>Item No.</b> 7.4	<b>Classification:</b> OPEN	<b>Date:</b> 10 December 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Council's own development Application 13/AP/3006 for: Listed Building Consent  <b>Address:</b> CHURCH OF ST PETER, LORDSHIP LANE, LONDON SE22 8LD  <b>Proposal:</b> Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild loose stone gate posts to original design in adjusted locations for vehicular access to site; removal of modern fall gate and installation of three turn down bollards.		
<b>Ward(s) or groups affected:</b>	College		
<b>From:</b>	Head of development management		
<b>Application Start Date</b> 09/09/2013		<b>Application Expiry Date</b> 04/11/2013	
<b>Earliest Decision Date</b> 23/10/2013			

### RECOMMENDATION

- 1 Grant listed building consent.

### BACKGROUND INFORMATION

- 2 This application has been referred to Planning Committee for determination as the application site is located on Metropolitan Open Land (MOL). It is annotated open space parcel 86 in the Adopted Southwark Plan (Churchyard).

### Site location and description

- 3 The application site is a late 19th century Church of St Peter and St Peter's Parish Hall which are Grade II listed. They stand in a prominent location on the busy South Circular Road at the junction of Lordship Lane and Dulwich Common. The site lies in the north-eastern corner of the Dulwich Wood Conservation Area which incorporates Dulwich Common and Dulwich Park, designated Metropolitan Open Land (MOL). The character of the area is one of open recreational space including playing fields, a golf course, allotments and formal gardens, interspersed with trees and woodlands. An avenue of trees on the western side forms part of the Metropolitan Green Chain Walks which links to adjoining Boroughs and the Thames Path.
- 4 The northern gate pier had been demolished and the adjoining railings damaged, while the southern pier, wall and railing were accidentally demolished.
- 5 The site is located within a Green Chain Park, Air Quality Management Area, Suburban Density Zone-South, Dulwich Wood Conservation Area, Metropolitan Open Land as identified by the Development Plan.
- 6 **Listing of the Church of St Peter:** Church. 1873-75 and 1885. By Charles Barry Jnr.

Tower completed 1885 when the west part of the nave was begun. Recently restored. MATERIALS: Kentish ragstone with ashlar dressings and steeply pitched slated roofs; lavish polychrome interior. STYLE: Geometric Gothic. PLAN: 6-bay nave, aisles with lean-to roofs, apsed chancel. Tower to north east. Geometrical Gothic style. EXTERIOR: gabled entrance in west end of north elevation. Windows are mainly cusped lancets, in triplets to aisles, single to apse with trefoils above, the central one larger; pairs of leaded windows to clerestory. Large traceried west window with stained glass, c1891. Tall buttressed tower with slender slated broach spire has blind arcading above gabled entrance on north face; groups of 3 tall louvred bell openings to each face beneath spire. INTERIOR: Have marble columns to nave arcades, coloured brickwork and terracotta diapering. Open timber roof with some painting, especially to chancel. Choir vestry and organ chamber (to right of chancel) now a private chapel (organ relocated to west end). Pews recently dismantled and interior now open-plan. Floor rebuilt in concrete with steps up from lower nave to aisles. FITTINGS: Victorian fittings include metal light brackets, pulpit, font, reredos.

- 7 **Listing of the Church of St Peter's Parish Hall:** Parish hall. After 1897. Probably by Charles Barry Jnr. Kentish ragstone with ashlar dressings; steeply pitched tiled roof with louvred fleche for bell with copper spirelet. 3 bays, each with cusped triplet windows; single-storey. 2-bay later extension to east. Open timber roof. Now used for storage. INTERIOR: not inspected. Included for group value with the Church of St Peter (qv).

#### Details of proposal

- 8 Works to repair the boundary wall to the churchyard along Lordship Lane including iron railings; rebuild lose stone gate posts to original design in adjusted locations for safe vehicular access to site; removal of modern fall gate and installation of three turn down bollards.

#### Planning history

Reg. No.	Appeal No.	Description	Summary
	APP/A5840/C/03/1108758	Breach of planning control the laying of compacted hardcore as new hardstanding without the benefit of planning permission	Appeal allowed in part
	APP/A5840/C/03/1108759	Breach of planning control the erection of two walls without the benefit of planning permission	Appeal allowed in part
	APP/A5840/C/03/1108760	Contravention of Listed Building Consent for (i) the erection of a wedge shape roof constructed with corrugated metal near the southern end of the Hall (ii) fitting of a fascia board measuring 4m x 1.5m located on the eastern side of the unauthorised roof	Appeal dismissed and the Listed Building Notice upheld
	APP/A5840/C/03/1108760	Contravention of Listed Building Consent for (i) alterations or demolition to the gate pier on the south side of the Lordship Lane entrance, (ii) alterations or demolition of approx 3m of ragstone wall immediately adjoining above pier, including the removal of decorative iron railings that surrounded the wall, (iii) alterations or demolition of pier to the North side of Lordship Lane entrance together with approx 1.5m decorative metal railings that	Appeal dismissed and the Listed Building Notice upheld

09/EN/0535		(1) erection of wedged shaped roof construction of corrugated metal near the southern end of the hall and supporting structure associated with said roof (11) fitting of fascia board measuring 4m x 1.5m and located on the eastern side of the unauthorised metal roof.	Pending negotiations
09/EN/0536		The laying of new surfacing materials (hardstanding)	Pending submission of planning application
09/EN/0537		(1) alteration or demolition to the gate pier located on the South Side of Lordship lane entrance (11) Alteration or demolition of approximately 3 metres of the ragstone wall immediately adjoining the pier described in (1); and (111) a alteration or demolition to the gate pier located on the North Side of Lordship Lane together with 1.5 metres decorative metal railings which previously surmounted the adjoining boundary wall.	Subject to the outcome of 13-AP-3006 and 13-AP-3111
09/EN/0538		Erection of x 2 walls without listed building consent	Subject to the outcome of 13-AP-3006 and 13-AP-3111
13/AP/3006		Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild lose stone gate posts to original design in adjusted locations for safe vehicular access to site; removal of modern fall gate and installation of 3rd turn down bollards.	This application has been referred to Planning Committee for determination as the application site is located on Metropolitan Open Land (MOL).
13/AP/3111		Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild loose stone gate posts to original design in adjusted locations for vehicular access to site; removal of modern fall gate and installation of three turn down bollards.	This application has been referred to Planning Committee for determination as the application site is located on Metropolitan Open Land (MOL).

### Planning history of adjoining sites

- 10 None relevant to this application.

### KEY ISSUES FOR CONSIDERATION

#### Summary of main issues

- 11 The main issues to be considered in respect of this application are:

- a) The impact of the proposal on the listed building

#### Planning policy

##### Core Strategy 2011

- 12 Section 12 Conserving and enhancing the historic environment

##### Southwark Plan 2007 (July) - saved policies

- 13 The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town



centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 3.15 - Conservation of the Historic Environment

Policy 3.16 - Conservation Areas

Policy 3.17 - Listed Buildings

#### London Plan 2011

- 14 Policy 7.6 Architecture
- Policy 7.8 Heritage Assets and Archaeology

#### National Planning Policy Framework (NPPF)

- 15 Section 7 - Requiring good design
- Section 12 - Conserving and enhancing the historic environment

#### **Principle of development**

- 16 The principle of carrying out works to a listed building is generally acceptable provided that it complies with Policy 3.17 Listed Buildings. The proposal should:
  - i) not result in the loss of any important historic fabric
  - ii) not be detrimental to the special architectural or historic interest of the building
  - iii) relate sensitively and respect the period, style, detailing and context of the listed building or later alterations of architectural or historic interest
  - iv) preserve, repair or, if missing, replace existing detailing and important later additional features of the building
- 17 The proposal seeks Listed Building Consent to repair the boundary wall to the churchyard along Lordship Lane including iron railings, to rebuild loose stone gate posts to original design and bollards. The principle of this development is considered acceptable provided the proposal has due regard for the character, appearance and special interest of the Grade II Listed buildings and Dulwich Wood Conservation Area.

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

- 18 Section 12, paragraph 129 of the NPPF (2012) requires Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal.
- 19 The principal design of the boundary wall is not to alter as the main purpose of the project is its repair. It is proposed to use salvaged or matching materials, such as Kentish rag stone, Bath stone, lime mortar and cast iron railing panels.
- 20 The stone piers to the south gate way will be reinstated to their original design using mainly salvaged materials from the site. It is however proposed to widen the gap between the two piers to provide safe vehicular access to the site. This will be achieved by reinstating the northern pier approximately 500mm to the north-west of its original position. This will result in the loss of a cast iron railing panel so that the original relationship between the pier and railing remains unchanged.
- 21 The lost southern pier is to be moved 250mm further south-east, resulting in the exiting wall terminating in the centre of the gate post pier rather at the corner. This is a minor alteration to the relationship between the pier and the wall.

- 22 The proposed works will significantly improve the appearance of the site and the wall by replacing the lost stretches of stonework and iron railings. The enlarged opening / vehicular access from Lordship Lane are not considered to have a negative impact on the appearance of the boundary or the listed buildings.
- 23 The iron railings will be carefully restored and where the panels have been lost, new railings will be cast to match the existing in order to complete the wall. New cast elements will be largely kept in one area, and existing salvaged ironwork moved to a new location in order to create a consistent appearance over the wall elevation. As such, the significant features would be safeguarded.
- 24 It is considered that the nature of the proposals is entirely complimentary to the listed building. The works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild lose stone gate posts to original design in adjusted locations for safe vehicular access to site; removal of modern fall gate and installation of three turn down bollards have been sensitively considered. No original features were affected or lost by the proposed works.
- 25 Furthermore, the character and appearance of the Grade II Listed buildings have been accounted for within this proposal. The proposal is considered contextually sympathetic, and would preserve the character and setting of the church and church hall, and the important fabric and architectural and historic interest of the boundary wall and railings themselves.

#### **Other matters**

- 26 No other matters identified.

#### **Conclusion on planning issues**

- 27 It is considered that the scheme has due regard to the property's listed building status. The proposal preserves the setting of the buildings and the boundary treatments and their features of special architectural or historic interest; as such it is recommended that listed building consent be granted.

#### **Community impact statement**

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

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: none

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

#### **Consultations**

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

#### **Consultation replies**

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

### Human rights implications

- 31 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.
- 32 This application has the legitimate aim of altering a listed building. 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/2315-L Application file: 13/AP/3006 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5451 Council website: www.southwark.gov.uk

### APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Neil Loubser, Senior Planner	
<b>Version</b>	Final	
<b>Dated</b>	28 November 2013	
<b>Key Decision</b>	None	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		28 November 2013

**APPENDIX 1****Consultation undertaken**

- 36 **Site notice date:** 20/09/2013
- 37 **Press notice date:** 19/09/2013
- 38 **Case officer site visit date:** 20/09/2013
- 39 **Neighbour consultation letters sent:** None

**Internal services consulted:**

- 40 Design and Conservation Team

**Statutory and non-statutory organisations consulted:**

- 41 Ancient Monuments Society  
Council for British Archaeology  
The Society for the Protection of Ancient Buildings  
The Victorian Society

**Neighbours and local groups consulted:**

- 42 None

**Re-consultation:**

- 43 N/A

**APPENDIX 2****Consultation responses received****Internal services**

- 44 Design and Conservation Team - Support this application with their comments incorporated in the body of this report

**Statutory and non-statutory organisations**

- 45 No comments or objections received from the above-mentioned consultees.

**Neighbours and local groups**

- 46 N/A

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## RECOMMENDATION

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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.

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<b>Applicant</b>	Pastor Sunday Okenwa	<b>Reg. Number</b>	13/AP/3006
<b>Application Type</b>	Listed Building Consent	<b>Case Number</b>	TP/2315-L
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**Listed Building CONSENT was given to carry out the following works:**

Works to repair boundary wall to churchyard along Lordship Lane including iron railings; rebuild loose stone gate posts to original design in adjusted locations for vehicular access to site; removal of modern fall gate and installation of three turn down bollards.

**At:** CHURCH OF ST PETER, LORDSHIP LANE, LONDON SE22 8LD

**In accordance with application received on 09/09/2013**

**and Applicant's Drawing Nos.** Design and Access Statement and Supporting Statement; Location plan; Drawing No's: 100; 202; 203; 204

**Subject to the following four conditions:**

**Time limit for implementing this permission and the approved plans**

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

Reason:

As required under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 100; 202; 203; 204

Reason:

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

**Pre-commencement condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

- 3 Prior to commencement of works, the following samples shall be made available on site for inspection by the Local Planning Authority, and approval in writing; the development shall not be carried out otherwise than in accordance with any such approval given.

- i) 1m<sup>2</sup> sample panel of lime mortar and pointing;
- ii) Kentish rag and Bath stone for the repairs; and
- iii) Finished paint colour for ironwork.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.17 Listed Buildings; of The Southwark Plan 2007.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 4 All new internal/external works and finishes and works of making good shall match existing original work adjacent

in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this consent.

**Reason:**

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.17 Listed Buildings; of The Southwark Plan 2007.



Date 28/11/2013



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<b>Item No.</b> 7.5	<b>Classification:</b> OPEN	<b>Date:</b> 10 December 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 13/AP/3279 for: Full Planning Permission  <b>Address:</b> HUNTSMAN AND HOUNDS, 70 ELSTED STREET, LONDON, SE17 1QG  <b>Proposal:</b> Retention of the front section of the building comprising retained ground floor and basement public house (Class A4). Redevelopment of the rear section of the existing public house comprising the construction of a four storey rear extension, which together with the conversion of the existing upper floors of the public house provides a total of 8 self-contained residential units (Class C3) including 1xstudio unit, 3 x 1-bedroom and 4 x 2-bedroom units with balconies. Installation of PV solar panels at roof level and associated cycle storage for 12 bicycles and bin storage.		
<b>Ward(s) or groups affected:</b>	East Walworth		
<b>From:</b>	Head of development management		
<b>Application Start Date</b> 03/10/2013		<b>Application Expiry Date</b> 28/11/2013	
<b>Earliest Decision Date</b> 13/11/2013			

## RECOMMENDATION

- 1 Grant planning permission.

## BACKGROUND INFORMATION

### Site location and description

- 2 The application property is a three storey public house, a handsome building on the draft local list. The ground floor is in use as pub and kitchen, and the upper floors contain living accommodation in the form of 6 individual bedrooms. These are in use for the pub landlord and family. There is a beer garden to the rear with vehicular access gates. The pub is accessed from Elsted Street, and there is a side access to the building's private areas from Tidsall Place.
- 3 Elsted Street is a relatively quiet residential street, with East Street market area to its west, Old Kent Road a few streets to the east and Bricklayers Arms roundabout a few streets to the north.
- 4 The pub is bounded to the north by Tidsall Place, a residential street with two dwellings facing its flank. To the east of the pub is 16 Tidsall Place, a two storey L-shaped detached dwelling. The flank of this property forms the end wall of the pub's beer garden.
- 5 To the south of the pub is Larissa Street, which is a pedestrianised route through from Elsted Street, round the east of 16 Tidsall Place to Tidsall Street. 76 Elsted Street is also to the south of the pub, on the opposite of Larissa Street. This is a three storey

building of the same height and style to the Huntsman and Hounds, in use as three flats. To the rear of this there is a vacant stretch of land, which is also bounded on its southern edge by rear of properties facing East Street.

In terms of policy designations within the Core Strategy 2011, the site is located within the Air Quality Management Area, Urban Density Zone and Old Kent Road Action Area. The site is within a Controlled Parking Zone and has a Public Transport Accessibility Level (PTAL) of 3, indicating medium access to public transport. There are no heritage assets near to the site.

### **Details of proposal**

- 6 The proposal is for the retention of 155sqm of the total existing 451sqm pub area for continued pub use. The proposal also involves the redevelopment of the site for residential development on the upper floors. The front facade and floorplate would be retained, and the building would be extended rearwards at a height of four storeys (the height would match that of the existing building, which contains three high storeys). The existing building extends rearwards 16m at ground floor level, and the upper floors step in at varying depths. The resulting building would extend rearwards 18m in total, at ground floor, stepping back to 16m on the upper floors. Due to the tall ceiling heights in the original building, the levels inside the resulting building would vary.

### Accommodation

- 7 At ground floor level there would be 1 x 1 bed flat, and 1 x 2 bed duplex. At first floor there would be 1 x 1 bed and 1 x 2 bed flats, at second floor, 1 x studio, 1 x 1 bed and 1 x 2 bed flats, and on the set-back third floor, 1 x 2 bed flat, creating a total of 8 units. Each flat has its own private amenity space in the form of a balcony, terrace or 'loggia'. The loggias relating to flats 3 and 6, (on the first and second floors of the pub building) are inset within the building, with original fenestration openings to the rear and front.
- 8 There would be a communal amenity space towards the rear of the building which would have hard and soft landscaping, and parking for 12 cycles by way of Sheffield stands. This is accessed off Elsted Street.

### **Planning history**

- 9 None for this site, although pre-application advice has been given on a residential scheme, which included the loss of the pub.

### **Planning history of adjoining sites**

#### 76 Elsted Street

- 10 Planning permission was granted on 19/11/09 (ref: 09-AP-1564) for the conversion of the existing three storey office into 3 x one bedroom residential units, one to each floor, and associated works including elevational alterations to front, with new gate in side wall to rear and new refuse and cycle enclosure to rear.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

- 11 The main issues to be considered in respect of this application are:
  - a) land use issues

- b) impact of amenity on nearby residents
- c) quality of residential accommodation proposed
- d) transport issues
- e) design issues
- f) flood risk

## **Planning policy**

### Core Strategy 2011

- 12 Strategic Policy 12 – Design and conservation  
Strategic Policy 13 – High environmental standards

### Southwark Plan 2007 (July) - saved policies

- 13 The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.
- 14 1.10 Protecting the range of services available outside the town and local centres and protected shopping frontages.  
3.2 Protection of Amenity  
3.11 Efficient Use of Land  
3.12 Quality in Design  
3.13 Urban Design  
3.15 Conservation of the Historic Environment  
4.2 Quality of Residential Accommodation  
5.2 Transport Impacts  
5.3 Walking and Cycling  
5.6 Car Parking
- 15 Residential Design Standards Supplementary Planning Document Jan 2011  
Affordable Housing SPD 2008  
Affordable Housing SPD (Draft 2011)

### London Plan 2011

- 16 Policy 3.3 Increasing housing supply  
Policy 3.13 Affordable housing thresholds  
Policy 5.7 Renewable energy  
Policy 6.9 Cycling  
Policy 6.10 Walking  
Policy 6.13 Parking

### National Planning Policy Framework (NPPF)

- 17 Strategic Policy 12 – Design and conservation

## Strategic Policy 13 – High environmental standards

### **Principle of development**

- 18 The proposal would not result in the loss of the pub, but it would result in loss of A4 floorspace. Saved policy 1.10 has no clause for the reduction in floorspace of A use classes, and concentrates solely on the complete loss of A uses.
- 19 The NPPF (paragraph 70) seeks to "guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community from meeting its day to day needs". This application does not propose the loss of the facility. The Walworth Society, along with local residents, have submitted an application to have the pub listed as a Community Asset, and this nomination was confirmed as successful on 08/08/13. The listing as a Community Asset means that should the owner of the property plan to dispose of the property (either by freehold sale or the grant of a lease of 25 years or more), they must inform the Council. The community group would then have a period of 6 weeks to decide if they wish to express an interest in bidding for the property. If an interest is expressed, the owner may not dispose of the property for a period of 6 months to allow time for the community group to decide whether they wish to seek to purchase it.
- 20 The listing as a Community Asset has no direct bearing on planning policy, although limited weight would be offered to this in any application to change the use away from A4 pub.

### Density

- 21 The scheme has a density of 1,020HR/Ha. Whilst this is outside the range for the Urban Density Zone (upper range is 700 Habitable Rooms per Hectare), the applicant has justified this. The Core Strategy says that maximum densities may be exceeded within Action Areas when developments are an exemplary standard of design. As set out below, it is considered that the development is an exemplary standard of design.

### Aylesbury Action Plan

- 22 The site falls outside the Aylesbury Action Plan area, therefore this document does not apply.

### Development opportunities on neighbouring sites.

- 23 There is a vacant piece of land to the south east of the site, to the rear of 76 Elsted Street. Whilst there is no planning history for this site, pre-application submissions have been made in 2009 and 2013 (although no advice has been offered by officers). Schemes put forward have involved residential development. It is not considered that the development on the application site will compromise development on the neighbouring site, and this is further explored in the design section below.

### **Environmental impact assessment**

- 24 None required due to the nature and size of the scheme which does not fall within Schedule 1 and is below the relevant thresholds for Schedule 2 development, being less than 0.5ha in area and as it is not within a sensitive area and would not generate significant environmental impacts in this urbanised location.

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

Daylight and Sunlight

- 25 The application is accompanied by a Daylight and Sunlight report. This includes assessments on the following measurements in the BRE test:

Vertical Sky Component (VSC)

- 26 This is the percentage of sky that can be seen from a window. 27% means a good level of light. If a value is below this to start with, any loss may not be that significant. A 20% loss would mean windows are adversely affected.

Daylight Distribution (DD)

- 27 This is how daylight is distributed in a room, however, the layout of rooms needs to be known for the test to be applied. Less than 20% of a reduction would not be noticeable, however, more than this would be.

Sunlight availability to windows

- 28 This BRE test is applied to all main habitable rooms facing within 90° of due south and measures annual sunlight available to windows.

- 29 The report has also assessed impact on gardens. The appendix to the report sets out which of the neighbouring windows have been surveyed. These include 76 Elsted Street, 17-19 Tidsall Place, 15 Tidsall Place, and rear windows of properties on East Street (215-229 odd).

- 30 The closest affected windows would be those at 17-19 Tidsall Place, and 76 Elsted Street. The figures submitted for VSC show that flank windows at 76 Elsted Street all have values below 27% in the existing situation, therefore any reduction is not that significant as values are low to start with. The loss would not be more than 6.3% in any case, which would mean no significant harm would be inflicted. For 17-19 Tidsall Place, the greatest loss would be to a front door (non-habitable window) of 8.4%. This would not result in significant harm to amenity.

- 31 Of all the windows assessed, there would be no loss in terms of Daylight Distribution, greater than 5%, which would mean no significant harm would be inflicted. For annual sunlight availability, none of the windows assessed would fall significantly below their current levels, therefore no harmful loss of sunlight would occur here.

Overlooking.

- 32 Flank windows to flats in 76 Elsted Street face into Larissa Street. These already face into a public footway, therefore the introduction of new flats also facing into the footway is not considered to introduce a new, significantly harmful relationship. The front facing windows at 17-19 Tidsall Place would only have bathroom windows in the proposed scheme, (which would be obscure glazed) directly opposite them. There would be some degree of overlooking to their gardens from the bedroom windows and balconies in the proposed scheme. However, these gardens are already overlooked to some extent by upper floors of neighbouring properties. To protect the gardens from overlooking from balconies, a condition shall be imposed requiring the installation of a screen to prevent views into these gardens.

**Future Occupiers**Room and unit sizes

- 33 The flats all meet with the Residential Design Standards minimum room and unit sizes, as logged below:

- Ground floor (Duplex - bedrooms on first floor)
- 34 Flat 1 (2b4p)  
Living/Kitchen/Dining: 32sqm  
WC: 4.5sqm  
Terrace: 10sqm
- 35 Flat 2 (1b2p)  
Living/Kitchen/Dining: 27.5sqm  
Bedroom: 13.5sqm  
Study: 6.5sqm  
Bathroom: 4.5sqm  
Overall: 58.5sqm  
Terrace: 10sqm
- First Floor
- 36 upper floor of Flat 1  
Bedroom 1: 12sqm  
Bedroom 2: 13.5sqm  
Bathroom: 5.5sqm  
Overall: 82.5sqm
- 37 Flat 3 (2b3p)  
Living/Kitchen/Dining: 27.5sqm  
Bedroom 1: 12.5sqm  
Bedroom 2: 8sqm  
Bathroom: 5.5sqm  
Overall: 63.5sqm  
Loggia: 9sqm
- 38 Flat 4 (1b2p)  
Living/Kitchen/Dining: 25sqm  
Bedroom: 12.5sqm  
Study: 6.5sqm  
Bathroom: 4.5sqm  
Overall: 54sqm  
Balcony: 12.5sqm
- 39 Second floor  
Flat 5 (studio)  
32sqm + bathroom 4.5sqm  
Terrace: 5sqm
- 40 Flat 6 (2b3p)  
Living/Kitchen/Dining: 27.5sqm  
Bedroom 1: 12.5sqm  
Bedroom 2: 8sqm  
Bathroom: 5.5sqm  
Overall: 63.5sqm  
Loggia: 9sqm
- 41 Flat 7 (1b2p)  
Living/Kitchen/Dining: 25sqm  
Bedroom: 12.5sqm  
Study: 6.5sqm  
Bathroom: 4.5sqm  
Overall: 54sqm  
Balcony: 7.5sqm

Third Floor

- 42 Flat 8 (2b3p)  
 Living/Kitchen/Dining: 30.5sqm  
 Bedroom 1: 12sqm  
 Bedroom 2: 8sqm  
 Bathroom: 4.5sqm  
 Overall: 63.5sqm  
 Roof terrace: 25sqm

Overlooking between neighbours

- 43 There is one flat on the ground floor for which the bedroom's only outlook is into Larissa Street. Whilst generally, it would be preferable to have some defensible space in front of the windows, it is considered that as this is a pedestrianised walk-through, and not very heavily used, it is acceptable in this instance. Furthermore this relationship already exists at 76 Elsted Street whose residential windows also face over Larissa Street. Due to this existing relationship, it can also be concluded that there would be no detrimental overlooking between the two properties as they already look over a public walkway.
- 44 For windows facing onto Tidsall Place, the situation is similar. There are bedroom windows within the scheme which look onto Tidsall Place. It is not considered that this would be to the detriment of future occupants, as the road is not heavily trafficked and is used mainly for access to Tidsall Place and Hearne's Buildings rather than as a through road.

Amenity space

- 45 Each flat has its own amenity space the smallest being 5sqm and relating to a studio flat. Otherwise the balconies are generous sizes, and in addition the flats have access to the communal courtyard which is 50sqm, as required by the Residential Design Standards. The two bedroom flat on the set back upper floor is encircled by balconies on three sides. A condition shall be imposed to require there to be no access to the balconies to the side, facing Larissa Street and Tidsall Place. This is to protect the amenity of residents facing onto these streets, from potential noise disturbance and overlooking from users of the balcony.

Noise

- 46 Conditions are proposed to protect the residential part of the scheme from noise emanating from the pub.
- 47 On balance, it is considered that the scheme would offer an exemplary standard of accommodation, and would be 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.

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

- 48 No impact envisaged.



## **Transport issues**

### Cycle storage

- 49 There is secure, weatherproof and convenient cycle storage facilities for 12 cycles. The Southwark Plan appendix 15 requires one per unit plus one for visitors. The development would be required to provide 9, so the provision of 12 exceeds the standards.

### Refuse Storage

- 50 There is adequate refuse storage within the development, and this is located close to the door onto Tidsall Place, which is an acceptable distance for refuse collectors. Refuse for the pub is to be stored in a separate location which is accessible from the street.

### Controlled Parking Zone

- 51 The residents and occupiers shall be made exempt from obtaining car parking permits in the surrounding CPZ, by use of a planning condition. This is to prevent undue pressure on the surrounding streets, from the addition of households with cars.
- 52 No adverse transport issues are envisaged, in line with saved policy 5.2 Transport Impacts, 5.3 Walking and Cycling and 5.6 Car Parking of the Southwark Plan 2007, and SP2 Sustainable Transport of the Core Strategy 2011.

## **Design issues**

- 53 Officers have considered whether the proposed increased bulk of the Huntsman and Hounds to the south towards the smaller scale of development in Tisdall Place would be overly predominant and be an excessive development in relation to the two storeys at 16 Tisdall Place. Whilst the height of the proposed building would contrast with this lower, two storey height at Tidsall Place, it is considered that the retention of a gap between the proposal and the neighbouring buildings would preserve the urban grain here. The gap that would remain would be 7m on Tidsall Place, and 11m on Larissa Street.
- 54 Whilst the proposed development would increase the intensity of uses on the site, it is considered that the location can support this. The site is within the Old Kent Road Action Area, (saved policy 7.3) clause iv of which encourages 'compact forms of development which provide a high standard of urban design and which can help create a sense of place'.
- 55 Policy 3.12 requires that "New buildings and alterations to existing buildings should embody a creative and high quality appropriate design solution, specific to their site's shape, size, location and development opportunities and where applicable, preserving or enhancing the historic environment." It is considered that the scale of development is appropriate to the site's characteristics.
- 56 Paragraph 64 of the NPPF states that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions." Officers consider that the proposal fulfils the opportunities on the site and would improve the quality and character of the area.
- 57 The built environment in this area is universally in brick, making it a consistent urban area with its own distinct architectural and historic housing character. The proposed

extension would be constructed in brick to match (London Stock) and this shall be conditioned.

- 58 In terms of details, officers consider the flank elevation at ground floor could be improved by adding some interest to the bricks, possibly by the introduction of a motif, or a standing seam of red bricks to match the parent building, or by high level windows. A condition shall be applied to require such details to be submitted for approval.
- 59 The window openings to the loggia balconies at first and second floor levels have been shown on the drawings as having their glazing removed to provide secondary side openings to the open loggias facing Larissa Street. Officers consider that glazed windows should remain within their openings, in order to maintain a consistent facade, befitting of this handsome building on the local list. A condition shall be applied to require this. The loggia balconies would still be open on the flank facing Larissa Street.

#### Development opportunities on other sites

- 60 The vacant site on Larissa Street is directly opposite the application site with a separation of 6m. However, there are no sensitive uses proposed with the application which could compromise the development of this site. Windows facing onto Larissa Street do relate to habitable rooms, however the same relationship exists with these windows and Larissa Street, as front facing windows over a street in a typical terraced house. The balcony relating to the ground floor flat would be behind a 1.8m high boundary, and balconies relating to upper floors are positioned towards Tidsall Place, so do not front directly onto Tidsall Place. It is therefore considered that the development of the Larissa Street site could be designed in a way which would allow both sites to co-exist without inflicting significant harm to each other.

#### **Planning obligations (S.106 undertaking or agreement)**

- 61 A section 106 agreement has been entered into by the applicant, which requires an affordable housing payment to be made if the units are ever sub-divided to result in ten in total on the site. The purpose of this is primarily to protect the pub use on site, and to discourage further loss of its floor area. The clause is copied below:

Unless otherwise agreed in writing by the Council not to change the use or subdivide or allow the change of use or subdivision of any of the Units (including the A4 Use) so as to create ten or more self contained Dwellings on the Site (including those permitted by the Application) unless the Owner (and any other person with an interest in the relevant part of the Site) has entered into an agreement with the Council under section 106 of the 1990 Act to secure prior to the Occupation of the additional Dwellings created:

- the payment of the Contributions to the Council; and
- the provision of the Affordable Housing Units (or if agreed in writing by the Council the payment of an appropriate commuted sum).
- unless otherwise agreed in writing by the Council not to Occupy or permit the Occupation of any Dwelling on the Site other than those permitted by the Application unless an agreement referred to in paragraph 1.1 above has been completed in relation to that Dwelling to the satisfaction of the Council and registered as a local land charge.

### **Sustainable development implications**

- 62 The development would achieve a score of 68.45 on the Code for Sustainable Homes rating system. This permits a score of 4, which is in line with Core Strategy policy 13. The development includes PV panels on the roof.

### **Other matters**

#### Mayoral CIL

- 63 CIL will be calculated on the proposed net additional floorspace which is 422sqm. At Southwark's rate of £35 per square metre, this would trigger a payment of £14,770.

#### Flood Risk

- 64 There has been no objection raised by the Environment Agency to the applicant's Flood Risk Assessment.

#### Noise from loss of beer garden

- 65 The floorspace of the pub is being significantly reduced. It is not considered that the resulting noise from patrons smoking outside the pub on Elsted Street would result in significant noise disturbance for residents.

#### Noise from building works and building materials stacked in front of the pub.

- 66 Construction noise and operations are controlled by other disciplines such as Building Control, and fall outside the remit of the planning system.

### **Conclusion on planning issues**

- 67 The scheme would retain the popular pub on site which is listed as a Community Asset. It would also provide much needed residential accommodation in an area with increasing housing needs. The standard of design is good, and no adverse amenity or transport impacts have been identified. Officers therefore recommend that planning permission is granted, with conditions and legal agreement to require affordable housing payments to be made in the event of future sub-division to create ten or more units.

### **Community impact statement**

- 68 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 the designation of the pub as an Asset of Community Value.

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are a s106 agreement to require affordable housing payments to be made in the event that the building is sub-divided in future, to encourage the retention of the

public house.

### **Consultations**

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

### **Consultation replies**

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

### Summary of consultation responses

- 71 Redeveloping the building will block sunlight from 76a Elsted Street and result in overlooking from the proposed flats into this property.  
Loss of privacy would occur to occupants of Tidsall Place.  
There is no other public house in the area meaning the community will suffer as a result of the closure, even if temporary.
- 72 The proposal would comprise development opportunities on the vacant site to the rear of 76 Elsted Street (on Larissa Street).  
The proposed block is too dense and has an overbearing building mass.  
The sizes of the proposed flats, as well as the balconies, fall below the standards in the Residential Design Standards.  
The Aylesbury Action Plan refers to the type of development in the area as, 'mews type streets' and this type of character should be maintained, in materiality and form.
- 73 Removal of the beer garden will mean people will smoke out the front of the pub creating unnecessary noise and litter.
- 74 Noise during construction  
Building materials would block access to 76a Elsted Street.

### **Human rights implications**

- 75 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.
- 76 This application has the legitimate aim of providing an extension to the pub building and provision of eight residential units. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/1287-70 Application file: 13/AP/3279 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5405 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Susannah Pettit, Senior planner	
<b>Version</b>	Final	
<b>Dated</b>	25 November 2013	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		28 November 2013

## APPENDIX 1

**Consultation undertaken****Site notice date:** 21/10/2013**Press notice date:** N/A**Case officer site visit date:** 21/10/2013**Neighbour consultation letters sent:** 21/10/13**Internal services consulted:**

Transport Team  
 Design and Conservation Team  
 Environmental Protection Team

**Statutory and non-statutory organisations consulted:**

Environment Agency

**Neighbours and local groups consulted:**

FLAT 17 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 18 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 16 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 14 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 15 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 19 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 4 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 5 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 3 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 2 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 20 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 13 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 6 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 7 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 5 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 3 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 4 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 8 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 11 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 12 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 10 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 9 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 1 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 229 EAST STREET LONDON SE17 2SS  
 231 EAST STREET LONDON SE17 2SS  
 217 EAST STREET LONDON SE17 2SS  
 221 EAST STREET LONDON SE17 2SS  
 215 EAST STREET LONDON SE17 2SS  
 223 EAST STREET LONDON SE17 2SS  
 FIRST FLOOR FLAT 231 EAST STREET LONDON SE17 2SS  
 FIRST FLOOR FLAT 211 EAST STREET LONDON SE17 2SS  
 FIRST FLOOR FLAT 213 EAST STREET LONDON SE17 2SS  
 235 EAST STREET LONDON SE17 2SS  
 FLAT 9 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 17 TISDALL PLACE LONDON SE17 1QQ  
 FLAT 8 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 6 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 FLAT 7 STAUNTON HOUSE ALVEY ESTATE TATUM STREET LONDON SE17 1TU  
 211 EAST STREET LONDON SE17 2SS

227 EAST STREET LONDON SE17 2SS  
 233 EAST STREET LONDON SE17 2SS  
 225 EAST STREET LONDON SE17 2SS  
 213 EAST STREET LONDON SE17 2SS  
 219 EAST STREET LONDON SE17 2SS  
 FLAT 25 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 55 ELSTED STREET LONDON SE17 1QG  
 HUNTSMAN AND HOUNDS 70 ELSTED STREET LONDON SE17 1QG  
 53 ELSTED STREET LONDON SE17 1QG  
 50 ELSTED STREET LONDON SE17 1QG  
 51 ELSTED STREET LONDON SE17 1QG  
 78 ELSTED STREET LONDON SE17 1QG  
 13 TISDALL PLACE LONDON SE17 1QQ  
 14 TISDALL PLACE LONDON SE17 1QQ  
 12 TISDALL PLACE LONDON SE17 1QQ  
 12 HALPIN PLACE LONDON SE17 1QP  
 10 TISDALL PLACE LONDON SE17 1QQ  
 49 ELSTED STREET LONDON SE17 1QG  
 FIRST FLOOR FLAT 221 EAST STREET LONDON SE17 2SS  
 LIVING ACCOMMODATION 70 ELSTED STREET LONDON SE17 1QG  
 LIVING ACCOMMODATION 227 EAST STREET LONDON SE17 2SS  
 FIRST FLOOR FLAT 217 EAST STREET LONDON SE17 2SS  
 76C ELSTED STREET LONDON SE17 1QG  
 48 ELSTED STREET LONDON SE17 1QG  
 76B ELSTED STREET LONDON SE17 1QG  
 FIRST FLOOR FLAT 223 EAST STREET LONDON SE17 2SS  
 76A ELSTED STREET LONDON SE17 1QG  
 FLAT 18 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 19 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 17 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 15 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 16 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 2 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 23 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 24 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 22 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 20 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 21 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 14 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 8 TISDALL PLACE LONDON SE17 1QQ  
 7 HUNTSMAN STREET LONDON SE17 1QW  
 19 TISDALL PLACE LONDON SE17 1QQ  
 15 TISDALL PLACE LONDON SE17 1QQ  
 16 TISDALL PLACE LONDON SE17 1QQ  
 8 HUNTSMAN STREET LONDON SE17 1QW  
 FLAT 12 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 13 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 11 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 1 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 FLAT 10 KNIGHT HOUSE ALVEY ESTATE HUNTSMAN STREET LONDON SE17 1QN  
 Flat 31 Dawes House Orb Street Southwark London SE17 1RE

**Re-consultation:**

N/A

**APPENDIX 2****Consultation responses received****Internal services**

Transport Team: Comments incorporated within the report

Design and Conservation Team: Comments incorporated within the report

Environmental Protection Team: Conditions requested regarding noise levels attainable within residential units.

**Statutory and non-statutory organisations**

Environment Agency: No objection

**Neighbours and local groups**

Objections received from:

Flat 31 Dawes House, Orb Street

76A Elsted Street

38 Peacock Street



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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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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.

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<b>Applicant</b>	Mr A. Davies Urbanicity (No.11) LLP	<b>Reg. Number</b>	13/AP/3279
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/1287-70
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Retention of the front section of the building comprising retained ground floor and basement public house (Class A4). Redevelopment of the rear section of the existing public house comprising the construction of a four storey rear extension, which together with the conversion of the existing upper floors of the public house provides a total of 8 self-contained residential units (Class C3) including 1xstudio unit, 3 x 1-bedroom and 4 x 2-bedroom units with balconies. Installation of PV solar panels at roof level and associated cycle storage for 12 bicycles and bin storage.

**At:** HUNTSMAN AND HOUNDS, 70 ELSTED STREET, LONDON SE17 1QG

**In accordance with application received on** 30/09/2013 08:03:35

**and Applicant's Drawing Nos.** PL-01; PL-02; PL-03; PL-04; PL-05; PL-06; PL-07; Indicative pub layout - Proposed Ground Floor; Proposed First Floor.

Design and Access statement  
Code for Sustainable Homes  
Noise report  
Flood Risk Assessment

**Subject to the following thirteen conditions:**

**Time limit for implementing this permission and the approved plans**

- 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:  
PL-05; PL-06; PL-07

Reason:

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

**Commencement of works above grade** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work above grade is commenced. The term 'above grade' here means any works above ground level.

- 3 Prior to commencement of above grade work, 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;  
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 The National Planning Policy Framework 2012, 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.

- 4 Prior to above grade works commencing, sample-panels of the brick to be used in the carrying out of this permission, to also include details of a brick detail to the north elevation, shall be made available on site for review by LPA officers, and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

**Reason:**

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007.

- 5 Before any above grade work hereby authorised begins, details of the means of enclosure for all site boundaries 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.

**Reason**

In the interests of visual and residential amenity in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 Design and conservation of The Core Strategy 2011 and Saved Policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007.

**Pre-occupation condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before the building(s) hereby permitted are occupied or the use hereby permitted is commenced.

- 6 Before the first occupation of the development hereby permitted, the refuse storage arrangements shown on the approved drawings referenced PL-05 shall be provided and made available for use by the occupiers of the occupiers, and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose.

**Reason**

To ensure 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 The National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and Policy 3.7 Waste Reduction of The Southwark Plan 2007

- 7 Prior to the occupation of any of the units hereby approved, the applicant shall submit a scheme of landscaping for the rear communal garden, for approval in writing by the Local Authority. The approved scheme shall be implemented within the first planting season following completion of the development.

**Reason**

In order to ensure an adequate mix of hard and soft landscaping within the scheme, to encourage biodiversity and to accord with Strategic Policy 11 Open spaces and wildlife of the Core Strategy 2011.

- 8 Prior to the occupation of the flats hereby approved, screens to a height of 1.8m shall be installed to the north west facing balconies. The screens shall be maintained throughout the lifetime of the development.

**Reason**

In order to prevent undue overlooking from the balconies facing north west in the scheme, into neighbouring gardens on Tidsall Place.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

- 9 The balconies to the flank elevations of the development, on the set back third floor, shall not be accessible other than for maintenance purposes.

**Reason:**

In order to protect the amenity of residential windows overlooking Tidsall Place and Larissa Street, and to prevent

undue noise disturbance and overlooking, in the interests of complying with saved policy 3.2 Protection of Amenity of the Southwark Plan 2007 and SP13 High Environmental Standards of the Core Strategy 2011.

- 10 No developer, owner or occupier of any part of the development hereby permitted, with the exception of disabled persons, shall seek, or will be allowed, to obtain a parking permit within the controlled parking zone in Southwark in which the application site is situated.

**Reason**

To ensure compliance with Strategic Policy 2 - Sustainable Transport of the Core Strategy 2011 and saved policy 5.2 Transport Impacts of the Southwark Plan 2007.

- 11 The dwellings hereby permitted shall be designed to ensure that the following internal noise levels are not exceeded due to environmental noise:

Bedrooms - 30dB LAeq, T \* and 45dB LAFmax  
Living rooms- 30dB LAeq, \*\*

A reduced standard for living rooms - 35 dB LAeq can be used to secure appropriate development.

\*- Night-time 8 hours between 23:00-07:00

\*\*Daytime 16 hours between 07:00-23:00.

**Reason**

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with strategic policy 13 'High environmental standards' of the Core Strategy (2011) saved policies 3.2 'Protection of amenity' and 4.2 'Quality of residential accommodation' of the Southwark Plan (2007), and the National Planning Policy Framework 2012

- 12 The rated noise level from any plant, together with any associated ducting shall be 10 dB(A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises. The method of assessment is to be carried in accordance with BS4142:1997 'Rating industrial noise affecting mixed residential and industrial areas'.

**Reason**

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 High Environmental Standards of the Core Strategy 2011 and Saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

- 13 The LFmax sound from amplified and non-amplified music and speech shall not exceed the lowest L90,5min 1m from the facade of the nearby residential premises at all third octave bands between 31.5Hz and 8kHz.

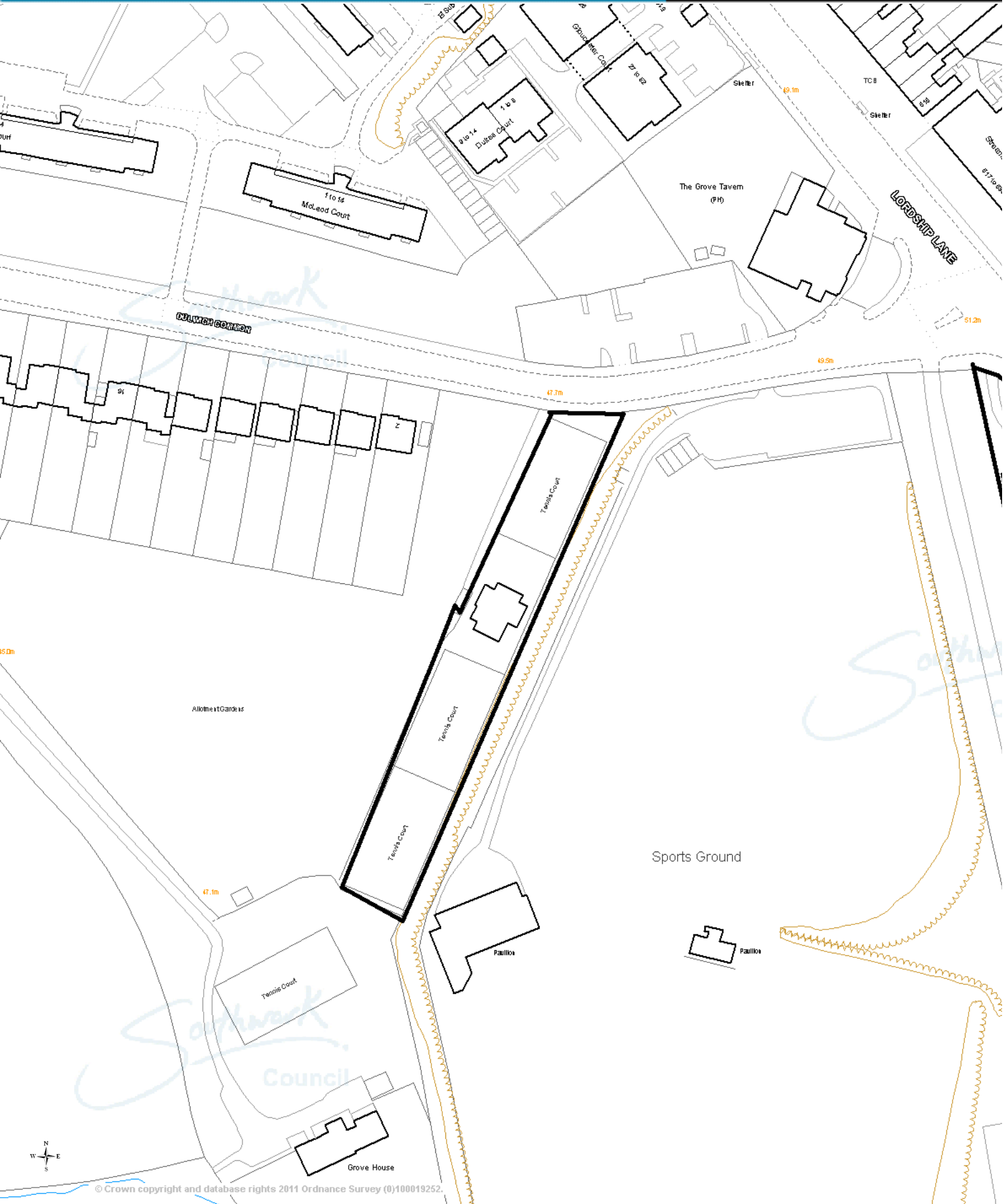
**Reason**

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities associated with non residential premises in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 'High environmental standards' of the Core Strategy (2011) and saved Policy 3.2 Protection of Amenity of the Southwark Plan (2007).

**Statement of positive and proactive action in dealing with the application**

The pre-application service was used for this application and the advice given was followed.

Date 28/11/2013



<b>Item No.</b> 7.6	<b>Classification:</b> OPEN	<b>Date:</b> 10 December 2013	<b>Meeting Name:</b> Planning Sub-Committee B
<b>Report title:</b>	<b>Development Management planning application:</b> Application 13/AP/3002 for: Full Planning Permission  <b>Address:</b> CAMBER LAWN TENNIS CLUB, DULWICH COMMON, LONDON, SE21 7EX  <b>Proposal:</b> Erection of a new clubhouse on former site		
<b>Ward(s) or groups affected:</b>	College		
<b>From:</b>	Head of development management		
<b>Application Start Date</b>	17/09/2013	<b>Application Expiry Date</b>	12/11/2013
<b>Earliest Decision Date</b> 27/10/2013			

### RECOMMENDATION

- 1 Grant detailed planning permission, subject to conditions.

### BACKGROUND INFORMATION

- 2 This application has been referred to Planning Committee for determination as the application site is located on Metropolitan Open Land (MOL). It is annotated open space parcel 168 in the Adopted Southwark Plan (Dulwich Common Allotments and Tennis Club).

### Site location and description

- 3 The application site refers to Camber Tennis Club, located on the south side of the South Circular (A205) at the eastern end of Dulwich Common close to the junction with Lordship Lane. The site is bound by Streatham and Marlborough Cricket Club to the east, allotments to the west and the main road (Dulwich Common A205) to the north. Dulwich and Sydenham Golf Club are located further to the south. A small cluster of dwellings is located further to the west whilst the Grove Tavern and car park is located across the road to the north.
- 4 The Tennis Club comprises three outdoor tennis courts with the former club house site in between.
- 5 The site is located within the Suburban Density Zone-South as identified by the Development Plan. The application site is located within the Dulwich Wood Conservation Area however none of the buildings on the site or within the immediate vicinity are listed.

### Details of proposal

- 6 Erection of a new single storey clubhouse on site of former club house (which was destroyed by fire in March 2013). The clubhouse will comprise changing rooms and other ancillary facilities for the tennis club. The proposal is 10 sqm larger than the

previous building which results from its simple rectangular shape infilling some of the indentations of the previous plan form which arose from the incremental way in which the previous club house had been added to over the years. This more rational layout allows for greater accessibility with a changing room for disabled persons provided.

### **Planning history**

- 7 11-AP-0106 for: Full Planning Permission granted at Community Council for the installation of floodlighting to the north tennis court (6 columns of 6.7m high).

### **Planning history of adjoining sites**

- 8 There is no planning history of relevance.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 9 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 the visual and residential amenity of the area.
  - c) The impact on the character and setting of the Dulwich Wood Conservation Area.
  - d) Design quality.
  - e) All other relevant material planning considerations.

### **Planning policy**

#### Core Strategy 2011

- 10 SP4 - Places for Learning, Enjoyment and Healthy Lifestyles  
 SP11 - Open Spaces and Wildlife  
 SP12 - Design and Conservation  
 SP13 - High Environmental Standards

#### Southwark Plan 2007 (July) - saved policies

- 11 The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself that the policies and proposals in use were in conformity with the NPPF. The resolution was that with the exception of Policy 1.8 (location of retail outside town centres) in the Southwark Plan all Southwark Plan policies are saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

Policy 2.1 - Enhancement of Community Facilities

Policy 3.2 - Protection of Amenity

Policy 3.12 - Quality in Design

Policy 3.13 - Urban Design

Policy 3.15 - Conservation of the Historic Environment

Policy 3.16 - Conservation Areas

Policy 3.18 - Setting of Listed Buildings Conservation Areas and World Heritage Sites

Policy 3.25 - Metropolitan Open Land

12 London Plan 2011

Policy 3.2 - Improving health and addressing health inequalities;

Policy 7.17 - Metropolitan Open Land;

National Planning Policy Framework (NPPF)

13 Chapter 7: Requiring good design

Chapter 9: Protecting Green Belt Land

Chapter 12: Conserving and enhancing the historic environment

**Principle of development**

14 In principle there are no objections to improving the existing sports facility. As the site is in Metropolitan Open Land it is necessary to consider whether it is appropriate development. Part 9 of the NPPF sets out the uses of land which are deemed to be appropriate in the Green Belt, which applies also to MOL. London Plan policy 7.17 and saved Southwark Plan policy 3.25 both apply to MOL. Within MOL, saved policy 3.25 states that appropriate development will include, inter-alia:

15 ii) Essential facilities for outdoor sport and outdoor recreation.....which preserves the openness of MOL and which do not conflict with the purposes of included land within MOL.

16 The proposal is for a new clubhouse for the Camber Lawn Club, to be built on the site of the previous clubhouse which was destroyed by a fire in March 2013. The proposal provides essential facilities for this open space use and is comparable in bulk, massing and siting to the previous club house and therefore will not compromise the openness of the MOL. As such, the proposal is considered to be appropriate development in MOL in accordance with the NPPF and Development Plan policy.

**Environmental impact assessment**

17 The development lies outside the scope of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and as such an EIA is not required. It is not considered that any significant environmental impacts would arise.

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

18 Strategic policy 13 of the Core Strategy requires consideration to be given to the impact of developments on the places in which people live, work and enjoy. Saved policy 3.2 of the Southwark Plan seeks to ensure an acceptable standard of amenity for existing and future occupiers.

19 The new building is proposed to occupy an almost identical footprint to the previous structure, though rotated slightly to align with the tennis court adjacent to it. The Camber Lawn Tennis Club is located directly south of Dulwich Common. An access road leads past a clay tennis court to a small car park, with the clubhouse site adjacent (50m from the main road. To the east of the site, up a small slope is Marlborough Cricket Club. To the west are allotment gardens. The nearest residential dwellings are located at Dulwich Common which backs onto the Camber Lawn Club. The proposed clubhouse is approximately 40m from the rear of the residential

properties.

- 20 The proposal is to construct a new building that would occupy an almost identical footprint to the previous structure. The new clubhouse would measure 13.8m (length) x 12.8m (width) x 3.6m (at the highest point of the pitch roof).
- 21 The scale, location and appearance of the proposed clubhouse is not considered to have a material impact on the residential amenity of the adjoining occupiers at Dulwich Common or indeed the wider area around the open junction of Dulwich Common and Lordship Lane, due to its modest scale.
- 22 **Impact of adjoining and nearby uses on occupiers and users of proposed development**  
There are no adjoining or nearby uses that will have an adverse impact on the users of the proposed development. The existing facility has been in use for several years and is an established part of the local townscape. It is therefore not considered that there will be a conflict of use detrimental to the amenity of the area.

### **Transport issues**

- 23 The development raises no adverse transport issues. The rebuilding of the clubhouse will not result in a significant generation of traffic to the site or indeed further issues with vehicular parking. The facility will be compatible in size to that which previously existed. The development is therefore considered acceptable in transport and traffic terms.

### **Design issues**

- 24 It is proposed to create a simple, restrained contemporary building on the site of the fire damaged clubhouse. The square plan of the building is topped with a shallow monopitch roof. The roof, visible when approaching the site from Dulwich Common, is clad in sedum, softening the visual impact of the building. Through slightly larger in area the new building will have a considerably lower profile as it is single storey in height, whereas the previous structure had a loft area under a pitched roof. The maximum building height has been reduced from 4.9m to 3.6m.
- 25 Policy 3.12 states that “New buildings and alterations to existing buildings should embody a creative and high quality appropriate design solution, specific to their site’s shape, size, location and development opportunities and where applicable, preserving or enhancing the historic environment.” This building is an appropriate development in this environment, the scale and design respond sensitively to the massing typically found in association with sports facilities.
- 26 As such, the proposed development adheres to the principles of good urban design due to its scale, mass, bulk and detail design. It is therefore considered that the development complies with saved Policies 3.12 Quality in Design 3.13 Urban Design.

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

- 27 Saved Policy 3.16 'Conservation areas' states that:

*Within conservation areas, development should preserve or enhance the character or appearance of the area. New development, including alterations and extensions, should:*

*i. Respect the context of the conservation area, having regard to the content of Conservation Area Appraisals and other adopted Supplementary Planning Guidance /*



*Documents; and*

*ii. Use high quality materials that complement and enhance the conservation area; and*

*iii. Do not involve the loss of existing traditional features of interest which make a positive contribution to the character or appearance of the Conservation Area; and*  
*iv. Do not introduce design details or features that are out of character with the area, such as the use of windows and doors made of aluminium, uPVC or other non-traditional materials.*

- 28 The application under consideration is for the erection of a new clubhouse on former site. The previous building had been destroyed following fire. The new building will occupy the footprint of the previous building, with the slight increase in wall thickness in wall depth in order to comply with current Building Regulations. Rather than a direct copy of the previous design, the fire has provided the opportunity for a more contemporary approach which is welcomed.
- 29 The building is square in plan with a mono pitch sedum roof. The walls will be clad in a cementitious grey/ green cladding screen, with aluminium windows and hardwood doors.
- 30 In relation to the impact on the Conservation Area, regard is had to current development plan policies and to paragraph 132 of the NPPF which states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be.”
- 31 As detailed above, the proposed new clubhouse is considered to have no adverse impact on either the character or appearance of the surrounding conservation area. The proposed design is appropriate to the local context and does not dominate its surroundings inappropriately. The proposed clubhouse is considered to make a positive contribution to the character of the area. It is therefore considered that the proposal would preserve the character and appearance of the Dulwich Wood Conservation Area, in accordance with policy 3.16 of the Southwark Plan.

### **Impact on trees**

- 32 The development will have no impact on any trees.

### **Planning obligations (S.106 undertaking or agreement)**

- 33 No planning obligations or S106 Agreements are required as part of this planning application.

### **Sustainable development implications**

- 34 The proposal raises no sustainable development implications.

### **Other matters**

- 35 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.
- 36 As a non-residential unit (clubhouse) of more than 100m<sup>2</sup> is being created CIL will be

liable, the increase in the footprint is as a result of thicker (insulated) external walls and cover 3sqm and be £102.69 CIL.

### **Conclusion on planning issues**

- 37 The proposed construction of a clubhouse at Camber Tennis Club is considered appropriate development in MOL and will be acceptable in terms of design, location and appearance. The development will have no adverse impact on the residential or visual amenity of the area and will provide benefits to the wider community due additional facilities. The development complies with the relevant saved policies of the Southwark Plan 2007 (July), The Core Strategy 2011 and NPPF. As such it is recommended that detailed planning permission be approved subject to conditions.

### **Community impact statement**

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

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

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

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

### **Consultations**

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

### **Consultation replies**

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

### **Human rights implications**

- 41 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.
- 42 This application has the legitimate aim of providing a new clubhouse. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2082-L Application file: 13/AP/3002 Southwark Local Development Framework and Development Plan Documents	Chief executive's department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5451 Council website: www.southwark.gov.uk

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Neil Loubser, Senior Planner	
<b>Version</b>	Final	
<b>Dated</b>	25 November 2013	
<b>Key Decision</b>	None	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Finance and Corporate Services	No	No
Strategic Director, Environment and Leisure	No	No
Strategic Director, Housing and Community Services	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>	28 November 2013	

**APPENDIX 1****Consultation undertaken**

**Site notice date:** 04/10/2013

**Press notice date:** 03/10/2013

**Case officer site visit date:** 04/10/2013

**Neighbour consultation letters sent:** 01/10/2013

**Internal services consulted:**

Design and Conservation officer  
Environmental Protection Team  
Urban Forester

**Statutory and non-statutory organisations consulted:**

None

**Neighbours and local groups consulted:**

8 DULWICH COMMON LONDON SE21 7EX  
MARLBOROUGH CRICKET CLUB DULWICH COMMON LONDON SE21 7EX  
CAMBER LAWN TENNIS CLUB DULWICH COMMON LONDON SE21 7EX  
6 DULWICH COMMON LONDON SE21 7EX  
10 DULWICH COMMON LONDON SE21 7EX  
2 DULWICH COMMON LONDON SE21 7EX  
4 DULWICH COMMON LONDON SE21 7EX

**Re-consultation:**

N/A

**APPENDIX 2****Consultation responses received****Internal services**

Design and Conservation officer: No objections. Comments incorporated in body of this report

Environmental Protection Team: No objections raised

Urban Forester: No objections however recommended a condition to be added to this application

**Statutory and non-statutory organisations**

N/A

**Neighbours and local groups**

No objections received

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## RECOMMENDATION

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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.

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<b>Applicant</b>	Mr Paul Chater The Incorporated Trustees of The Dulwich Estate	<b>Reg. Number</b>	13/AP/3002
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2082-L
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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**Planning Permission was GRANTED for the following development:**

Erection of a new clubhouse on former site

**At:** CAMBER LAWN TENNIS CLUB, DULWICH COMMON, LONDON SE21 7EX

**In accordance with application received on** 11/09/2013 08:02:07

**and Applicant's Drawing Nos.** Design and Access Statement; Heritage Statement; Simon Pryce Arboriculture Report; Drawing No's:

2.01.01; 2.02.01; 2.03.01; 2.06.01; 2.06.02; 2.11.01; 2.12.01; 2.12.02; 2.14.01; 2.14.02; 2.15.01; 2.15.02; 2.16.01

**Subject to the following four conditions:**

**Time limit for implementing this permission and the approved plans**

- 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:  
2.01.01; 2.02.01; 2.03.01; 2.06.01; 2.06.02; 2.11.01; 2.12.01; 2.12.02; 2.14.01; 2.14.02; 2.15.01; 2.15.02; 2.16.01

Reason:

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

**Pre-commencement condition(s)** - the details required to be submitted for approval by the condition(s) listed below must be submitted to and approved by the council before any work in connection with implementing this permission is commenced.

3

Prior to works commencing, including any demolition, an Arboricultural Method Statement detailing the means by which any retained trees on or directly adjacent to the site are to be protected from damage by demolition works, 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. 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)'. Cross sections shall be provided to show surface, other changes to levels and any proposed activity within root protection areas required in order to facilitate demolition.

The existing trees on or adjoining the site which are to be retained shall be protected and both the site and trees managed in accordance with the recommendations (including facilitative pruning specifications and supervision schedule) contained in the Arboricultural Report. Following the pre-commencement meeting all tree protection measures shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority. In any case, all works must adhere to BS5837: (2012) and BS3998: (2010).

If within the expiration of 5 years from the date of the occupation of the building for its permitted use any retained tree is removed, uprooted is 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.

**Reason**

To ensure the protection of the existing trees in accordance with The National Planning Policy Framework 2012, Strategic Policy 11 Open spaces and wildlife of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity and 3.28 Biodiversity of The Southwark Plan 2007.

**Compliance condition(s)** - the following condition(s) impose restrictions and/or other requirements that must be complied with at all times once the permission has been implemented.

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

**Reason**

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with The National Planning Policy Framework 2012, Strategic Policy 12 - Design and Conservation of The Core Strategy 2011 and Saved Policies 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

**Statement of positive and proactive action in dealing with the application**

To assist applicants the Local Planning Authority has produced policies, provided written guidance, all of which is available on the Council's website and which has been followed in this instance. The local planning authority delivered the decision in a timely manner.

**PLANNING SUB-COMMITTEE B AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2013-14**

**NOTE:** Original held by Constitutional Team (Community Councils) all amendments/queries to Gerald Gohler Tel: 020 7525 7420

Name	No of copies	Name	No of copies
<b>To all Members of the sub-committee</b>			
Councillor Darren Merrill (Chair)	1		
Councillor Nick Stanton (Vice-Chair)	1		
Councillor Neil Coyle	1	Environment & Leisure	
Councillor Nick Dolezal	1	Environmental Protection Team	1
Councillor Jeff Hook	1		
Councillor Richard Livingstone	1	Communications	
Councillor Wilma Nelson	1	Robin Campbell	1
 (Reserves)			
Councillor James Barber	1		
Councillor Sunil Chopra	1	<b>Total</b>	<b>26</b>
Councillor Renata Hamvas	1		
Councillor Helen Hayes	1		
Councillor David Hubber	1		
 <b>Officers</b>			
Constitutional Officer (Community Councils) Hub 4 (2 <sup>nd</sup> Floor), Tooley St.	8		
Claire Cook / Ian Ogden, Planning, Hub 2 (5 <sup>th</sup> Floor) Tooley St.	3		
Sadia Hussain, Legal Services Hub 2 (2 <sup>nd</sup> Floor) Tooley St.	1		
 <b>Dated: 11 October 2013</b>			