

Planning Sub-Committee A

Wednesday 15 October 2014

7.00 pm

Room G02, 160 Tooley Street, London SE1 2QH

Membership

Councillor Lorraine Lauder MBE (Chair)
Councillor James Barber (Vice-Chair)
Councillor Nick Dolezal
Councillor Lucas Green
Councillor Vijay Luthra
Councillor Eliza Mann
Councillor Sandra Rhule

Reserves

Councillor Stephanie Cryan
Councillor Chris Gonde
Councillor Rebecca Lury
Councillor David Noakes
Councillor Rosie Shimell
Councillor Johnson Situ

INFORMATION FOR MEMBERS OF THE PUBLIC

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

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 7 October 2014



Planning Sub-Committee A

Wednesday 15 October 2014
7.00 pm
Room G02, 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
4.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	
	Members to declare any interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT	
	The chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.	
6.	MINUTES	1 - 6
	To approve as a correct record the minutes of the meeting held on 9 September 2014.	
7.	DEVELOPMENT MANAGEMENT ITEMS	7 - 11
	7.1. DULWICH COLLEGE PREPARATORY SCHOOL, 42 ALLEYN PARK, LONDON SE21 7AA	12 - 31
	7.2. 60-62 HOPTON STREET, LONDON SE1 9JH	32 - 45



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 A

MINUTES of the Planning Sub-Committee A held on Tuesday 9 September 2014 at 7.00 pm at Room G02, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Nick Dolezal (in the chair)
 Councillor Stephanie Cryan
 Councillor Chris Gonde
 Councillor Lucas Green
 Councillor Eliza Mann
 Councillor Sandra Rhule

OTHER MEMBERS PRESENT: Councillor Sarah King
 Councillor Richard Livingstone
 Councillor Lisa Rajan
 Councillor Kath Whittam

OFFICER SUPPORT: Dennis Sangweme (Group Manager - Validation & Fast Track)
 Dipesh Patel (Development Management)
 Wing Lau (Development Management)
 Gerald Gohler (Constitutional Officer)

1. INTRODUCTION AND WELCOME

Gerald Gohler, Constitutional Officer, informed the meeting that as both the chair and vice-chair had given their apologies, the members of the sub-committee in attendance would need to nominate one among their number to chair the meeting.

It was moved, seconded and

RESOLVED:

That Councillor Nick Dolezal chair the meeting.

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

2. APOLOGIES

There were apologies for absence from Councillors Lorraine Lauder MBE (Chair), James

Barber (Vice-Chair) and Vijay Luthra.

3. CONFIRMATION OF VOTING MEMBERS

A representative of each political group confirmed the voting members of the committee.

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

The following members made declarations regarding the agenda items below:

7.2 Southwark Park Sports Centre, Hawkstone Road, London SE16 2PE.

Councillor Stephanie Cryan declared a non-pecuniary interest in this item, as she had emailed officers in support of the application in her capacity as a ward councillor. She would, therefore, not take part in the debate and decision making on this item.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Addendum report relating to item 7 – development management items

6. MINUTES

RESOLVED:

That the minutes of the meeting held on the 23 June 2014 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 the committee to be aware of late observations, consultation, responses, additional information and revisions.

7.1 18A GROVE PARK, LONDON SE5 8LH

Planning application reference number 14/AP/1720

Report: See pages 10 to 31 of the agenda pack and pages 1 to 5 of the addendum report.

PROPOSAL

Retention of re-built works and completion to form a new 4-bed family dwelling house within the original volume over lower ground, ground and first floors with associated landscaping.

The sub-committee heard an introduction to the report from a planning officer, drawing councillors' attention to the addendum report. Members of the sub-committee asked questions of the officer.

Representatives of the objectors made representations to the sub-committee, and answered questions by members of the sub-committee.

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

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

Councillor Sarah King addressed the sub-committee in her capacity as a ward councillor. Members of the sub-committee did not ask questions of Councillor King.

Members of the sub-committee debated the application.

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

RESOLVED:

That planning application 14/AP/1720 be granted with the conditions set out in the report and addendum report, and an additional condition requiring the windows on the eastern elevation to be screened or consist of obscure glazing to a height of 1.7 metres.

At this point, Councillor Stephanie Cryan sat with the audience.

7.2 SOUTHWARK PARK SPORTS CENTRE, HAWKSTONE ROAD, LONDON SE16 2PE

Planning application reference number 14/AP/2455

Report: See pages 32 to 61 of the agenda pack and pages 5 to 6 of the addendum report.

PROPOSAL

Reconstruction and layout changes of synthetic athletics track, conversion of synthetic turf football/hockey pitch to natural grass, installation of a hammer and discus cage and the relocation and installation of the following athletic facilities:

*shot put circle
pole vault runway
long/triple jump runway and pit
high jump fan and
javelin runway*

Additional works include landscaping to facilitate these changes and the movement north of the fence at the southern boundary.

The sub-committee heard an introduction to the report from a planning officer, drawing councillors' attention to the addendum report. Members of the sub-committee asked questions of the officer.

There were no objectors present who wished to address the meeting.

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

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

Councillor Kath Whittam addressed the sub-committee in her capacity as a ward councillor. Members of the sub-committee did not ask questions of Councillor Whittam.

At this point, Councillor Stephanie Cryan left the meeting room.

Members of the sub-committee debated the application.

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

RESOLVED:

That planning application 14/AP/2455 be granted with the conditions set out in the report and addendum report.

At this point, Councillor Stephanie Cryan rejoined the meeting.

7.3 32 BYWATER PLACE, LONDON SE16 5ND

Planning application reference number 14/AP/2087

Report: See pages 62 to 73 of the agenda pack and pages 6 to 7 of the addendum report.

PROPOSAL

Erection of a single storey ground floor side extension; conversion of garage to living accommodation with associated external alterations; and insertion of 2 x front rooflights and 3 x rear rooflights.

The sub-committee heard an introduction to the report from a planning officer, drawing councillors' attention to the addendum report. Members of the sub-committee asked questions of the officer.

Representatives of the objectors made representations to the sub-committee, and answered questions by members of the sub-committee.

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

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

Councillor Lisa Rajan addressed the sub-committee in her capacity as a ward councillor. Members of the sub-committee asked questions of Councillor Rajan.

Members of the sub-committee debated the application.

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

RESOLVED:

That planning application 14/AP/2087 be granted with the conditions set out in the report, and an additional condition removing the permitted development right to turn the dwelling into housing in multiple occupation, due to the adverse impact on traffic, parking and the local amenity this would have.

7.4 13 RADNOR ROAD, LONDON SE15 6UR

Planning application reference number 11/AP/0290

Report: See pages 74 to 90 of the agenda pack and page 8 of the addendum report.

PROPOSAL

Erection of rear ground and first floor extensions and conversion to form two x two-bedroom and one x one-bedroom self-contained residential units (three units in total).

The sub-committee heard an introduction to the report from a planning officer, drawing councillors' attention to the addendum report. Members of the sub-committee asked questions of the officer.

Representatives of the objectors made representations to the sub-committee, and answered questions by members of the sub-committee.

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

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

Councillor Richard Livingstone addressed the sub-committee in his capacity as a ward councillor. Members of the sub-committee asked questions of Councillor Livingstone.

Members of the sub-committee debated the application.

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

RESOLVED:

That planning application 11/AP/0290 be granted with the conditions set out in the report.

Meeting ended at 10.10 pm

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 15 October 2014	Meeting Name: Planning Sub-Committee A
Report title:		Development Management	
Ward(s) or groups affected:		All	
From:		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 may be 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. 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. 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. Due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. 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
Appendix A	Items on agenda of planning sub-committee B on 15 October 2014

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Kenny Uzodike, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development Team	
Version	Final	
Dated	29 August 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments Included
Director of Legal Services	Yes	Yes
Head of Development Management	No	No
Cabinet Member	No	No
Date final report sent to Constitutional Team		23 September 2014

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE A
on Wednesday 15 October 2014

Appl. Type	Full Planning Permission	Reg. No.	14-AP-1133
Site	DULWICH COLLEGE PREPARATORY SCHOOL, 42 ALLEYN PARK, LONDON SE21 7AA	TP No.	TP/2549-42
		Ward	College
		Officer	Wing Lau

Recommendation **GRANT PERMISSION**

Item 7.1

Proposal

Reconfiguration of existing parking and play areas to provide new parking and play space layout, and new refuse vehicle and minibus delivery area with new cycle parking, hard and soft landscaping and boundary treatment. Proposed staff parking at Mary Datchelor site.

Appl. Type	Full Planning Permission	Reg. No.	14-AP-2406
Site	60-62 HOPTON STREET, LONDON SE1 9JH	TP No.	TP/1536-G
		Ward	Cathedrals
		Officer	Gavin Blackburn

Recommendation **GRANT PERMISSION**

Item 7.2

Proposal

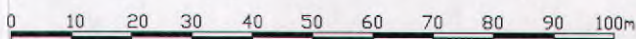
Change of use of ground floor of 60-62 Hopton Street from a Cultural Centre (within use Class D1) to an A1 Retail Shop.

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Contractors. For the purposes of
Planning, this drawing is to scale)

Agenda Item 7.1

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REV.	DATE	DRN.	CD.	NOTES
-	-	-	-	-



Overall Site
Area = 19,500sq.m
Hectares = 1.95

New Development
Area = 4476 sq.m
Hectares = 0.447



chartered architects
and planning consultants

Lee Evans Partnership LLP, St Johns Lane, Canterbury, Kent CT1 2DG
Tel: 01227 784444 Fax: 01227 819102
email: architects@lee-evans.co.uk website: www.lee-evans.co.uk

PROJECT
DPL - Lower School Studies

CLIENT DATE
Dulwich Prep London 28/03/14

DRAWING TITLE DRN + CD
SITE PLAN CJ

ISSUE STATUS SCALE
1:1250

DRAWING NUMBER REGION
07725-PL 01

London Borough of Southwark
Received on:
08 APR 2014
14 AP 1133
Planning Case File - -

1:1250

1:1250

Item No. 7.1	Classification: OPEN	Date: 15 October 2014	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 14/AP/1133 for: Full Planning Permission Address: DULWICH COLLEGE PREPARATORY SCHOOL, 42 ALLEYN PARK, LONDON SE21 7AA Proposal: Reconfiguration of existing parking and play areas to provide new parking and play space layout, and new refuse vehicle and minibus delivery area with new cycle parking, hard and soft landscaping and boundary treatment.		
Ward(s) or groups affected:	College		
From:	Head of Development Management		
Application Start Date 30/04/2014		Application Expiry Date 25/06/2014	
Earliest Decision Date 31/05/2014			

RECOMMENDATION

- 1 That the application is referred to the planning sub-committee for consideration at the request of ward councillors; and that planning permission be granted subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 The application site is the Dulwich Preparatory School (Dulwich Prep) school campus which is located on Alleyn Park and comprises a variety of interconnected buildings of varying ages and architecture. It covers an area of 1.9 hectares (Ha). It is to the south of the Dulwich Colleges, which is not part of this school.
- 3 The site is within the suburban density zone as designated in the core strategy.
- 4 Following negotiations and discussions with the applicant, the scheme has been amended so that the area around the Mary Datchelor Fields has been removed from the application site. Mary Datchelor Fields is in Metropolitan Open Land (MOL) and since its removal from the application, all the works proposed would be within the main school campus.
- 5 The entrance to the school is via Alleyn Park (west of the site) which is site frontage and currently used for staff vehicle parking and incorporates areas of soft landscaping. The section to the north is currently used as play space for the lower school.
- 6 The school is bounded by residential properties to the north, east and west. The Kingsdale School immediately adjoins the application site to the south.

Details of proposal

- 7 The applicant proposes to reconfigure the existing parking and play areas to provide new parking and play space layout.
- 8 Following discussions with the applicant the plans have been revised so that the parking initially proposed at Mary Datchelor Fields are removed from the plans. The existing parking for staff would go from an original 45 spaces to 32 spaces. This is a loss of 17 spaces overall.
- 9 The new layout would utilise the existing access points from the public highway. New gates and barriers are proposed at these points. There are many points of entry/exit for the school and all come off from Alleyn Park. There are two main vehicular access for the staff (marked as Entrance 6) and the entrance that leads to the minibus/refuse/ delivery area (marked as Entrance 1 on the plans).
- 10 A pedestrian entrance for the middle and upper school parent pick up/drop off is proposed and the existing gates are to be retained. Another pedestrian entrance for lower school parents is proposed to the northern part of the site.

Planning history

- 11 04/AP/1003 Application type: Full Planning Permission (FUL)
Erect new two storey height sports hall; erect single storey link extension to existing buildings and two storey extension and alterations to existing swimming pool buildings.
Decision date 15/04/2005 Decision: Grant (GRA)
- 05/AP/2527 Application type: Full Planning Permission (FUL)
Erection of an extension at eastern end of swimming pool building to accommodate new pool plant rooms and store.
Decision date 27/01/2006 Decision: Grant (GRA)
- 06/AP/2420 Application type: Full Planning Permission (FUL)
Alterations and extensions to existing classroom block including formation of pitched roofs and new windows (proposals encompass works approved in application 03-AP-1147, which was for extensions at first floor level and alterations to the existing building to provide two additional classrooms and an enclosed means of escape staircase).
Decision date 12/03/2007 Decision: Granted (GRA)
- 07/AP/0792 Application type: Approval of Details - Article 30 DMPO (AOD)
Details of material pursuant to condition 2 of planning permission dated 12/03/2007 (LBS Reg No: 06-AP-2420) for alterations and extensions to existing classroom block including formation of pitched roofs and new windows (proposals encompass works approved in application 03-AP-1147, which was for extensions at first floor level and alterations to the existing building to provide two additional classrooms and an enclosed means of escape staircase).
Decision date 30/04/2007 Decision: Refused (REF)
- 07/AP/1203 Application type: Approval of Details - Article 30 DMPO (AOD)
Details of material pursuant to condition 2 of planning permission dated 12/03/2007 (LBS Reg No: 06-AP-2420) for alterations and extensions to existing classroom block including formation of pitched roofs and new windows (proposals encompass works approved in application 03-AP-1147, which was for extensions at first floor level and alterations to the existing building to provide two additional classrooms and an enclosed means of escape staircase).

Decision date 12/06/2007 Decision: Granted (GRA)

08/AP/2187 Application type: Full Planning Permission (FUL)

A two storey extension to an existing classroom block and the replacement of an existing canopy with a similar structure.

Decision date 20/10/2008 Decision: Granted (GRA)

08/AP/2312 Application type: Full Planning Permission (FUL)

Two storey extension, including external alterations, to the existing Music Hall.

Decision date 17/11/2008 Decision: Granted (GRA)

09/AP/0298 Application type: Full Planning Permission (FUL)

A curved entrance area with flat roof to the annexe building, to provide additional facilities in connection with the school.

Decision date 14/04/2009 Decision: Granted (GRA)

09/AP/0741 Application type: Full Planning Permission (FUL)

External canopy outside dining hall entrance of school.

Decision date 30/06/2009 Decision: Granted (GRA)

10/AP/0732 Application type: Full Planning Permission (FUL)

An alteration to a previously approved scheme under application 08/AP-2312. Two storey extension to the existing music school, in the form of a new entrance and atrium, along with a ground floor external colonnade and a first floor walkway.

Decision date 18/05/2010 Decision: Granted (GRA)

11/AP/1825 Application type: Full Planning Permission (FUL)

Erection of new three storey infill section between an existing 1980s classroom block and an existing Victorian building, to provide a new entrance to Lower School section on the ground floor, and to provide new areas of cloak spaces for the pupils on the first and second floors.

Decision date 02/08/2011 Decision: Granted (GRA)

11/AP/1881 Application type: Full Planning Permission (FUL)

Change of use of land associated with Class C3 dwellinghouse to class D1 (Non-Residential Education) and erection of a boiler house to serve Dulwich College Preparatory School on associated land.

Decision date 10/08/2011 Decision: Granted (GRA)

11/AP/4179 Application type: Approval of Details - Article 30 DMPO (AOD)

Details of Condition 4 Acoustic commissioning survey as required by application LBS ref 11-AP-1881 for the (Change of use of land associated with class C3 dwellinghouse to class D1 (Non-Residential Education) and erection of a boiler house to serve Dulwich College Preparatory School on associated land)

Decision date 23/04/2012 Decision: Granted (GRA)

13/AP/0549 Application type: Prior Approval (PRAP)

Demolition of part single-storey, part two-storey Maintenance Building.

Decision date 15/04/2013 Decision: Prior Approval Required - Approved (PARA)

13/AP/0551 Application type: Full Planning Permission (FUL)

Erection of part two, part three storey building (between no.38 and no.40) to accommodate science and technology classes with ancillary rooms together with alterations and extension to existing building (no.38).

Decision date 09/05/2013 Decision: Granted (GRA)

Planning history of adjoining sites

- 12 The most relevant planning history is the adjacent school: Kingsdale Foundation School

02-CO-2113

Planning permission granted 10/04/2003 for: creation of new staff car park for 33 cars.

04-CO-0090

Planning permission granted 04/01/2005 for:
Enlargement and resurfacing of existing staff car park and erection of two metal fences between school building and existing boundary fence

06-CO-0001

Planning permission granted 22/03/2006 for:
Conversion of existing hard and soft landscaped north playground into all weather football pitch with retaining walls, grass haunchings and steps to form level site, plus surrounding mesh fence and gates and associated hard and soft landscaping

06-CO-0043

Planning permission refused 17.09.2007 for:
Conversion of existing hard and soft landscaped north playground into all weather youth football pitch with limited quantity of retaining walls, grass haunchings, steps and ramps to form level site plus surrounding mesh fence and gates. Construction of associated hard and soft landscaping (REVISED APPLICATION)

06-CO-0062

Planning permission granted 29/08/2006 for:
Conversion of existing hard and soft landscaped north playground in all weather youth football pitch with limited quantity of retaining walls, grass haunchings, steps and ramps to form level site plus surrounding mesh fence and gates. Construction of associated hard and landscaping. (REVISED APPLICATION)

08-CO-0060

Planning permission granted 22/06/2009 for:
Conversion of hard and soft landscaped north playground into all-weather youth football pitch and 60 metre sprint running track with limited quantity of retaining walls, grass haunchings and ramps to form level site plus surrounding mesh fence and gates to pitch; associated hard and soft landscaping.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 13 The main issues to be considered in respect of this application are:
- a) Principle of development
 - b) Impact of development on the amenity of adjoining occupiers
 - c) Impact of development on visual amenity
 - d) Transport issues

Planning policy

- 14 National Planning Policy Framework (the Framework)
4. Promoting sustainable transport
 7. Requiring good design

12. Conserving and enhancing the historic environment

London Plan July 2011 consolidated with revised early minor alterations October 2013

- 15 Policy 6.3 Assessing effects of development on transport capacity
 Policy 6.9 Cycling
 Policy 6.10 Walking
 Policy 6.11 Smoothing traffic flow and tackling congestion
 Policy 6.13 Parking
 Policy 7.1 Building London's neighbourhoods and communities
 Policy 7.2 An inclusive environment
 Policy 7.3 Designing out crime
 Policy 7.4 Local character
 Policy 7.5 Public realm
 Policy 7.6 Architecture
 Policy 7.14 Improving air quality
 Policy 7.15 Reducing noise and enhancing soundscapes
 Policy 7.4 - Local character
 Policy 7.21 - Trees and woodlands

Core Strategy 2011

- 16 Strategic Policy 1 - Sustainable development
 Strategic Policy 2 - Sustainable transport
 Strategic Policy 4 - Places for learning, enjoyment and healthy lifestyles
 Strategic Policy 12 - Design and conservation
 Strategic Policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

- 17 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.

- 3.1 Environmental Effects
 3.2 Protection of Amenity
 3.11 Efficient use of land
 3.12 Quality in Design
 3.13 Urban Design
 5.2 Transport impacts
 5.3 Walking and cycling
 5.6 Car parking

Principle of development

- 18 The application has been amended so that the existing hard surfaced area in Mary Datchelor Fields is now omitted from the scheme. This is in response to officers' concerns that the proposed replacement car parking at Mary Datchelor Fields would constitute inappropriate development on MOL and would impact on its openness, contrary to planning policies.
- 19 The revised plans show the resurfacing and reconfiguration of the staff parking and play area within the main school campus. The proposal would merely involve landscaping works and installation of play equipment and new boundary treatment for

a school. There is no change of use and there is no new use introduced to this site. The issue with MOL is no longer a concern for officers. As such, there is no objection in principle in land use terms. This is subject to there being no adverse harm on the local amenity, the character and appearance of the area and no harm on the local highway network, which is discussed below.

Environmental impact assessment

- 20 None is required for the size of the development.

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

- 21 The proposed landscaping works would be wholly within the main school campus. There are no new buildings proposed that would impact on neighbouring residents' daylight, sunlight and outlook.
- 22 The proposed new play equipment comprise of earth mounds, tunnels, climbing frame and connecting bridge and these are all within the site and are not in close proximity to adjoining neighbours on Alleyn Park. As such, the play equipment would not be overbearing on neighbours.
- 23 The installation of play equipment may have the potential to create more noise and disturbance to the neighbours opposite on Alleyn Park, but it is noted that this is for the lower school and will only be used during break times and lunch times. Furthermore, the number of equipment is not excessive. The play equipment would be approximately 35m away from the nearest neighbour opposite. Given that there is some considerable separation distance and the equipment is used for short period of time during the day and not evening, the noise associated with the play area would not impact on neighbours' amenity.
- 24 The applicant has submitted a playground noise impact assessment, which provides an assessment of predicted noise levels from the proposed playground comparing these to noise levels measured at the site. It concludes that the relocation of the lower school playground to the proposed location will not produce an adverse noise impact on the residencies along Alleyn Park.
- 25 The affected properties have front gardens facing the school and are in the majority of cases used for car parking and therefore considered less sensitive to noise than rear gardens. It should also be noted that the Kingsdale Foundation School located adjacent has a playing field facing residential properties, which is used throughout the school day. In comparison, the limited times of use of the proposed playground at Dulwich Prep school will be less than this. The council's environmental protection team (EPT) has suggested a condition to ensure that private and communal external amenity areas be designed to attain a certain noise limit. However, it is considered unreasonable to require the applicant to carry out such measures on external amenity space at neighbouring residential properties. The proposed playground is relocated from Bowen Drive (which faces residential properties) to Alleyn Park and it is not an introduction of a new use to the site.
- 26 In light of this, it is considered that the noise impact of the new playground would not be significant to cause adverse harm on neighbouring residents and would comply with Strategic Policy 13 of the core strategy and Saved Policy 3.2 of the Southwark Plan.

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

- 27 The proposed playground and parking is within the existing school (D2 Class use) and does not introduce a new use to this mixed residential and educational uses of this part of Dulwich. The proposal therefore does not impact on nearby uses.

Transport issues

- 28 The site is not located within either the central activities zone (CAZ) or a controlled parking zone (CPZ).
- 29 There is no statutory parking standard for staff at schools and therefore is assessed on a case-by-case basis. It is noted however, that the site has a low PTAL rating (Level 2) and there is therefore some expectation of off-street staff parking on site.
- 30 The original proposal as submitted would have resulted in the loss of 17 No. parking spaces from the existing provision at the school site. The original plan to use Datchelor Fields to cater for overflow car parking now been abandoned and displaced vehicles will be accommodated on street. The latest proposals now replace 10 No. parking spaces on the site; 9 No. spaces within the refuse/minibus area (to the rear) and 1 No. additional; space in the staff parking at the south of the site. In total, the site would provide 27 No. staff parking bays and 5 No. visitor bays. Overall, the loss of parking provision as a result of the proposed development is 7 No. spaces.
- 31 The surrounding area is not located within a CPZ, there for no mechanism is available to control over spill parking. Site visits carried out by the council's transport planning team have shown that during school drop-off and collection and drop-off times on street parking demand is above available capacity, However, outside of these times on street parking is readily available. The applicants have conducted a parking survey of the surrounding area at peak times of parking demand associated with the school (school drop-off and collection times). The survey shows that there is a minimum of 53 spaces available within the survey area. It is worth nothing that the sections of the highway immediately surrounding the school are at capacity, however the further away from the school the more free space is available to park on street. It is considered that a sufficient level of kerb side parking is available to protect existing residents parking amenity within the full survey area.
- 32 Swept paths have been submitted showing a range of vehicles entering and exiting the site in a forward gear. Specific parking has been provided for coaches and emergency vehicles and no access will be permitted for parental drop off in association with the development.
- 33 In light of the above, it is not considered that the proposal would significantly impact on the local highway network and would not lead to hazards for locals or children and would not increase accidents. This on street capacity suitably protects existing residents on street parking amenity during peak times of school usage.
- 34 The proposal would therefore comply with strategic policy 2 of the core strategy and saved policy 5.2 of the Southwark Plan.

Design issues

- 35 The proposal would not create new buildings or extensions. The reconfiguration of the playground and car park would mean some loss of soft landscaping, but it is not to an extent that would have a significant visual impact on the character of the area or streetscene.

- 36 Works to the front (west) of the school are more visually evident from Alleyn Park, but the existing trees would provide a soft edge and the new boundary treatment (dwarf brick wall and black railing) would help create a more complete frontage treatment. Artificial grass surface is proposed to the new lower school playground, which was previously hardstanding.
- 37 The area to the north, which would contain the parking for future mini buses, some staff parking and servicing yard would be screened from Bowen Drive by tall hedges on the boundary.
- 38 The proposed climbing frame is set back from the pavement edge and there is a line of hedges that would screen this part of the playground. The climbing frame is mainly constructed from timber and is not of a significant size or scale that would be detrimental to the character and appearance of the area and would not cause adverse harm on the streetscape.
- 39 The proposal would therefore comply with Strategic Policy 12 of the core strategy and Saved Policies 3.12 and 3.13 of the Southwark Plan.

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

- 40 The site is not within a conservation area and is not within the setting of any listed buildings.

Impact on trees

- 41 No trees are proposed to be removed as part of the proposal. The retention of the trees would help to soften the boundary with the pavement and would screen some of the play equipment. A condition will be imposed to ensure that the trees shown to be retained would be replaced if it is removed, uprooted, is destroyed or dies.
- 42 There are boulders proposed within the playground and these boulders are simply large rocks, rested on the ground. They will not impact upon the tree roots in any way.
- 43 However, a landscape condition is required to ensure suitable details are provided such that any new planting is suitable. Cross sections are also required of the new wall and its effect on hedging.
- 44 Subject to conditions, the proposal is acceptable in respect of trees and landscaping.

Planning obligations (S.106 undertaking or agreement)

- 45 Due to the scale and type of the development, the proposal does not trigger any s106 financial contributions.

Other matters

- 46 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. The type of development proposed does not trigger any CIL payment.

Environmental effects

- 47 The EPT has suggested conditions relating to site contamination reports and remediation strategies and the submission of a construction management plan. However, Officers consider that the scale and size of development does not justify a construction management plan. The site is already used for car parking and playground and it is not considered that there would be contaminants present on site.

Conclusion on planning issues

- 48 The proposed development would not significantly impact on neighbour's residential amenity and with appropriate planning conditions would not adversely harm the streetscape. The loss of 7 No. spaces overall is not considered to impact on the local highway network as sufficient on-street parking is available. The removal of the Mary Datchelor Playing Fields from the scheme would not raise any MOL issues. The proposed development is therefore considered acceptable overall and is recommended for approval.

Community impact statement

- 49 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

Consultations

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

Consultation replies

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

Summary of consultation responses

- 52 A total of 34 No. letters were received from local residents with the following reasons:
- having additional car park belonging to the staff would be inappropriate; the proposal would reduce the spaces available to residents;
 - there is little capacity for parking on surrounding streets at present; there would be an increase of 'double parking';
 - increased traffic would present a real hazard to the children that live there; would increase accidents;
 - impact on school coaches likely to be delayed by cars parking near the pedestrian islands;
 - the transport statement refers to a parking survey commissioned in March 2014 where road works were carried out at the Paxton Green end of Alleyn Park and may skew the results of the parking survey and question the validity of the applicant's parking study;
 - the study should be carried out during term time when there are no major road works restricting traffic flow;
 - the subject school is adjacent to Kingsdale School and the current parking requirements and dropping off arrangements are already severely inadequate for two large schools; alternative for employee parking can be provided by the school

- at the adjacent playing field (Mary Datchelor playing fields);
- believes that the Council has been negligent in its planning consultation with neighbouring properties; noise and inconvenience from additional parking;
- damage to road surface over time;
- use of road that is non-adopted and the residents would have to pay for maintenance;
- works to the school has already started on site without planning consent which is unacceptable;
- the application should be refused until alternative parking is proposed and require a green travel plan to show how it intends to reduce staff numbers driving to work;
- fear that the trees fronting Alleyn Park would be cut down and an application made for further development on the existing playground;
- noise from the playground;
- the council has not intervened on the works already being carried out on the site;
- the proposal would lead to noise and air pollution; the decision should be made in a public forum and not delegated;
- the council should carry out parking enforcement should permission be granted possible noise reduction measures to be taken as a condition of planning permission;
- the playground surface and boundary fencing should incorporate noise absorption measures;
- the front would not be in keeping with the rest of Alleyn Park;
- the proposal should provide visual screen hedge;
- the roads could become 'private' car parks.

53 Officer response:

The comments relating to parking and traffic are covered in the transport section of this report. Noise and disturbance concerns are addressed under the impact on amenity section of the report.

- 54 The concerns raised also relate to the time that the parking survey was carried out. Site visits by the transport planning officer have shown that during school drop off and collection and drop off times on street parking demand is above available capacity. However out side of these times on street parking is readily available. The applicants have conducted a parking survey of the surrounding area at peak times of parking demand associate with the school (school drop off and collection times).
- 55 Objections were raised regarding the consultation process and that the reconsultation exercise was carried out during school holidays and that some residents at Little borne and Rouse Gardens were not consulted. The application site is at least 390 metres from Little Bornes and the council has consulted all adjoining properties. The Council has therefore fulfilled its statutory requirements in respect of consultation.
- 56 The applicant had advised the council in late July that they intended to proceed with elements of the project under permitted development rights. Permitted development rights enable certain works to be undertaken within school sites and on boundaries adjacent to the highway without the need for planning consent from the local authority. Works carried out on site by the applicant is at their own risk.
- 57 The alternative parking at Mary Datchelor fields is no longer part of the application and as discussed above, the use of the fields for car parking would negatively impact on the openness of the MOL.
- 58 Concerns relating to any future loss of trees would be addressed by a condition to retain existing trees on site.

- 59 Comments relating to the maintenance of the road is not a planning consideration.
- 60 One letter received from adjacent Kingsdale School with the following comments on the original plans:
- There is currently in place a legal agreement between Kingsdale School and Dulwich College Preparatory School with respect to the equitable use of facilities at Mary Datchelor Playing Fields;
 - Kingsdale has been given assurances that the proposal for parking at Mary Datchelor Fields would be amended and continue to allow them to have equitable use and availability in accordance with current arrangements;
 - Kingsdale staff and students should be given equal access/egress to all entrances/exists at the Mary Datchelor site.
- 61 Officer response: The proposal has since been amended so that the area on Mary Datchelor Fields is now removed from the application and therefore the above comments are no longer applicable in this instance.
- 62 One letter received from local resident supporting the scheme, in particular:
- the attempts to provide more cycle parking so that people are encouraged to travel by bike along this road.

Human rights implications

- 63 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.
- 64 This application has the legitimate aim of providing improvement to education use. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

Supplementary advice from other officers

- 65 None

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2549-42	Chief executive's department	Planning enquiries telephone: 020 7525 5403
Application file: 14/AP/1133	160 Tooley Street London	Planning enquiries email: planning.enquiries@southwark.gov.uk
Southwark Local Development Framework and Development Plan Documents	SE1 2QH	Case officer telephone: 020 7525 5729 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Wing Lau, Senior Planning Officer	
Version	Final	
Dated	2 October 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, 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
Date final report sent to Constitutional Team		2 October 2014

APPENDIX 1

Consultation undertaken

Site notice date: 06/05/2014

Press notice date: 08/05/2014

Case officer site visit date: 06/05/2014

Neighbour consultation letters sent: 02/05/2014

Internal services consulted:

Design Surgery
Environmental Protection Team
Parks & Open Spaces
Transport Planning Team
Urban Forester

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

12 Morkyns Walk Alleyn Park SE21 8BG	41 Alleyn Park London SE21 8AT
2 Morkyns Walk Alleyn Park SE21 8BG	35 Alleyn Park London SE21 8AT
3 Morkyns Walk Alleyn Park SE21 8BG	29 Alleyn Park London SE21 8AT
11 Morkyns Walk Alleyn Park SE21 8BG	31 Alleyn Park London SE21 8AT
37a Alleyn Park London SE21 8AT	33 Alleyn Park London SE21 8AT
1 Morkyns Walk Alleyn Park SE21 8BG	25 Bowen Drive London SE21 8NS
10 Morkyns Walk Alleyn Park SE21 8BG	18 Bowen Drive London SE21 8PN
4 Morkyns Walk Alleyn Park SE21 8BG	20 Bowen Drive London SE21 8PN
9 Morkyns Walk Alleyn Park SE21 8BG	22 Bowen Drive London SE21 8PN
Kingswood Lodge Bowen Drive SE21 8NS	9 Bowen Drive London SE21 8NS
Kingsdale Foundation School Alleyn Park SE21 8SQ	53 Bowen Drive London SE21 8NS
8 Morkyns Walk Alleyn Park SE21 8BG	55 Bowen Drive London SE21 8NS
5 Morkyns Walk Alleyn Park SE21 8BG	7 Bowen Drive London SE21 8NS
6 Morkyns Walk Alleyn Park SE21 8BG	24 Bowen Drive London SE21 8PN
7 Morkyns Walk Alleyn Park SE21 8BG	34 Bowen Drive London SE21 8PN
54 Alleyn Park London SE21 8SF	36 Bowen Drive London SE21 8PN
56 Alleyn Park London SE21 8SF	38 Bowen Drive London SE21 8PN
58 Alleyn Park London SE21 8SF	32 Bowen Drive London SE21 8PN
52 Alleyn Park London SE21 8SF	26 Bowen Drive London SE21 8PN
46 Alleyn Park London SE21 8SF	28 Bowen Drive London SE21 8PN
48 Alleyn Park London SE21 8SF	30 Bowen Drive London SE21 8PN
50 Alleyn Park London SE21 8SF	33 Bowen Drive London SE21 8NS
60 Alleyn Park London SE21 8SF	35 Bowen Drive London SE21 8NS
70 Alleyn Park London SE21 8SF	37 Bowen Drive London SE21 8NS
31a Alleyn Park London SE21 8AT	31 Bowen Drive London SE21 8NS
33a Alleyn Park London SE21 8AT	27 Bowen Drive London SE21 8NS
68 Alleyn Park London SE21 8SF	29 Bowen Drive London SE21 8NS
62 Alleyn Park London SE21 8SF	3 Bowen Drive London SE21 8NS
64 Alleyn Park London SE21 8SF	39 Bowen Drive London SE21 8NS
66 Alleyn Park London SE21 8SF	49 Bowen Drive London SE21 8NS
Kingswood Playgroup Bowen Drive SE21 8NS	5 Bowen Drive London SE21 8NS
Flat 26 Atwood House Kingswood Estate SE21 8NT	51 Bowen Drive London SE21 8NS
Flat 27 Atwood House Kingswood Estate SE21 8NT	47 Bowen Drive London SE21 8NS
Flat 28 Atwood House Kingswood Estate SE21 8NT	41 Bowen Drive London SE21 8NS
Flat 25 Atwood House Kingswood Estate SE21 8NT	43 Bowen Drive London SE21 8NS
Flat 22 Atwood House Kingswood Estate SE21 8NT	45 Bowen Drive London SE21 8NS
Flat 23 Atwood House Kingswood Estate SE21 8NT	Flat 19 Gainsborough Court SE21 7LT
Flat 24 Atwood House Kingswood Estate SE21 8NT	Flat 18 Gainsborough Court SE21 7LT

Flat 3 Atwood House Kingswood Estate SE21 8NT
 Flat 8 Atwood House Kingswood Estate SE21 8NT
 Flat 9 Atwood House Kingswood Estate SE21 8NT
 Flat 7 Atwood House Kingswood Estate SE21 8NT
 Flat 4 Atwood House Kingswood Estate SE21 8NT
 Flat 5 Atwood House Kingswood Estate SE21 8NT
 Flat 6 Atwood House Kingswood Estate SE21 8NT
 Flat 12 Atwood House Kingswood Estate SE21 8NT
 Flat 13 Atwood House Kingswood Estate SE21 8NT
 Flat 14 Atwood House Kingswood Estate SE21 8NT
 Flat 11 Atwood House Kingswood Estate SE21 8NT
 Flat 1 Atwood House Kingswood Estate SE21 8NT
 Flat 10 Atwood House Kingswood Estate SE21 8NT
 Flat 15 Atwood House Kingswood Estate SE21 8NT
 Flat 2 Atwood House Kingswood Estate SE21 8NT
 Flat 20 Atwood House Kingswood Estate SE21 8NT
 Flat 21 Atwood House Kingswood Estate SE21 8NT
 Flat 19 Atwood House Kingswood Estate SE21 8NT
 Flat 16 Atwood House Kingswood Estate SE21 8NT
 Flat 17 Atwood House Kingswood Estate SE21 8NT
 Flat 18 Atwood House Kingswood Estate SE21 8NT
 40 Bowen Drive London SE21 8PN
 61 Alleyn Park London SE21 8AT
 63 Alleyn Park London SE21 8AT
 23 Alleyn Park London SE21 8AU
 49 Alleyn Park London SE21 8AT
 43 Alleyn Park London SE21 8AT
 45 Alleyn Park London SE21 8AT
 47 Alleyn Park London SE21 8AT
 1 Bowen Drive London SE21 8NS
 19 Bowen Drive London SE21 8NS
 21 Bowen Drive London SE21 8NS
 23 Bowen Drive London SE21 8NS
 17 Bowen Drive London SE21 8NS
 11 Bowen Drive London SE21 8NS
 13 Bowen Drive London SE21 8NS
 15 Bowen Drive London SE21 8NS
 Dulwich College Preparatory School 42 Alleyn Park SE21 7AA
 25 Alleyn Park London SE21 8AT
 Flat 3 38-42 Alleyn Park SE21 7AA
 Flat 1 38-42 Alleyn Park SE21 7AA
 Flat 2 38-42 Alleyn Park SE21 7AA
 27 Alleyn Park London SE21 8AT
 37 Alleyn Park London SE21 8AT
 39 Alleyn Park London SE21 8AT
 Flat 17 Gainsborough Court SE21 7LT
 Flat 4 Gainsborough Court SE21 7LT
 Flat 3 Gainsborough Court SE21 7LT
 Flat 2 Gainsborough Court SE21 7LT
 Flat 16 Gainsborough Court SE21 7LT
 Flat 12 Gainsborough Court SE21 7LT
 Flat 11 Gainsborough Court SE21 7LT
 Flat 10 Gainsborough Court SE21 7LT
 Flat 15 Gainsborough Court SE21 7LT
 Flat 14 Gainsborough Court SE21 7LT
 Flat 13 Gainsborough Court SE21 7LT
 1 Hunts Slip Road London SE21 7LJ
 Mary Datchelor Bungalow Hunts Slip Road SE21 7LJ
 9 Ferrings London SE21 7LU
 Toll Gate College Road SE21 7HH
 Mary Datchelor Playing Field Hunts Slip Road SE21 7LJ
 8 Ferrings London SE21 7LU
 Flat 7 Gainsborough Court SE21 7LT
 Flat 6 Gainsborough Court SE21 7LT
 Flat 5 Gainsborough Court SE21 7LT
 7 Ferrings London SE21 7LU
 Flat 9 Gainsborough Court SE21 7LT
 Flat 8 Gainsborough Court SE21 7LT
 11 Tollgate Drive London SE21 7LS
 10 Tollgate Drive London SE21 7LS
 1 Tollgate Drive London SE21 7LS
 14 Tollgate Drive London SE21 7LS
 13 Tollgate Drive London SE21 7LS
 12 Tollgate Drive London SE21 7LS
 75 College Road London SE21 7HH
 The Old Sanatorium Hunts Slip Road SE21 7LJ
 18-19 Gainsborough Court College Road SE21 7LT
 7 Tollgate Drive London SE21 7LS
 6 Tollgate Drive London SE21 7LS
 5 Tollgate Drive London SE21 7LS
 Flat 1 Gainsborough Court SE21 7LT
 9 Tollgate Drive London SE21 7LS
 8 Tollgate Drive London SE21 7LS
 4 Tollgate Drive London SE21 7LS
 17 Tollgate Drive London SE21 7LS
 16 Tollgate Drive London SE21 7LS
 15 Tollgate Drive London SE21 7LS
 3 Tollgate Drive London SE21 7LS
 2 Tollgate Drive London SE21 7LS
 18 Tollgate Drive London SE21 7LS

Re-consultation: 22/08/2014

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

Environmental Protection Team - No objections raised subject to conditions relating to noise levels to external amenity space, site contamination and a construction management plan.

Urban Forester - No objections subject to conditions relating to landscaping.

Transport Planning Team - No objections. Comments incorporated into the main body of the report.

Statutory and non-statutory organisations

None

Neighbours and local groups

By Email

By Email Flat 5, Linley Court SE21 8AQ

Email representation

Flat 4 Linley Court Rouse Gardens SE21 8AQ

Kingsdale Foundation School Alleyn Park SE21 8SQ

Little Bornes Residents' Association 26 Little Bornes SE21 8SE

12 Rouse Gardens London SE21 8AF

14 Rouse Gardens Dulwich SE21 8AF

15 Alleyn Park London SE21 8AU

16 Rouse Gardens Alleyn Park SE21 8AF

19 Rouse Gardens Alleyn Park SE21 8AF

25 Kingsthorpe Road London SE26 4PG

27 Little Bornes Dulwich SE21 8SD

28 Rouse Gardens London SE21 8AF

30 Rouse Gardens Alleyn Park SE21 8AF

31 Alleyn Park London SE21 8AT

31a Alleyn Park London SE21 8AT

32 Little Bornes London SE21 8SE

33a Alleyn Park London SE21 8AT

4 Little Bornes Dulwich SE21 8SE

43 Alleyn Park London SE21 8AT

45 Alleyn Park London SE21 8AT

48 Alleyn Park London SE21 8SF

61 Alleyn Park London SE21 8AT

66 Alleyn Park London SE21 8SF

9 Littles Bornes London SE21 8SD

RECOMMENDATION

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

Applicant	Dulwich Prep London	Reg. Number	14/AP/1133
Application Type	Full Planning Permission	Case	TP/2549-42
Recommendation	Grant permission	Number	

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Reconfiguration of existing parking and play areas to provide new parking and play space layout, and new refuse vehicle and minibus delivery area with new cycle parking, hard and soft landscaping and boundary treatment.
Proposed staff parking at Mary Datchelor site.

At: DULWICH COLLEGE PREPARATORY SCHOOL, 42 ALLEYN PARK, LONDON SE21 7AA

In accordance with application received on 08/04/2014 11:53:26

and Applicant's Drawing Nos. Existing
07725-PL 100; 07725-PL 02; 07725-PL 04

Proposed
07725-PL 03 Rev E; 07725-PL 05 Rev B; 07725-PL 103 Rev A

Planning, Design and Access Statement March 2014; Second Addendum to Planning, Design and Access Statement August 2014; Transport Statement April 2014; Arboricultural Survey and Constraints; Playground Noise Impact Assessment

Subject to the following nine 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:

07725-PL 03 Rev E; 07725-PL 05 Rev B; 07725-PL 103 Rev A

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 a) Prior to the commencement of any development, a site investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site.
- i) The Phase 1 (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations.
- ii) Any subsequent Phase 2 (site investigation and risk assessment) shall be conducted in accordance with any approved scheme and submitted to the Local Planning Authority for approval prior to the commencement of any remediation that might be required.

b) In the event that contamination is present, a detailed remediation strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme (if one is required) shall be carried out in accordance with its terms prior to the commencement of development, other than works required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

c) Following the completion of the works and measures identified in the approved remediation strategy, a verification report providing evidence that all works required by the remediation strategy have been completed shall be submitted to and approved in writing by the Local Planning Authority.

d) In the event that potential contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority, and a scheme of investigation and risk assessment, a remediation strategy and verification report (if required) shall be submitted to the Local Planning Authority for approval in writing, in accordance with a-c above.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors 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.

- 4 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 Method Statement. 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) Trees in relation to demolition, design and construction and BS3998: (2010) Tree work - recommendations.

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 avoid damage to the existing trees which represent an important visual amenity in the area, in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

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.

- 5 Before any above grade work hereby authorised begins, detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance Recommendations for maintenance of soft landscape (other than amenity turf).

Reason

So that the Council may be satisfied with the details of the landscaping scheme in accordance with The National Planning Policy Framework 2012 Parts 7, 8, 11 & 12 and policies of The Core Strategy 2011: SP11 Open spaces and wildlife; SP12 Design and conservation; SP13 High environmental standards, and Saved Policies of The Southwark Plan 2007: Policy 3.2 Protection of amenity; Policy 3.12 Quality in Design; Policy 3.13 Urban Design and Policy 3.28 Biodiversity.

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 a) Before the first use of the staff car park hereby permitted commences the applicant shall submit in writing and obtain the written approval of the Local Planning Authority to a Travel Plan setting out the proposed measures to be taken to encourage the use of modes of transport other than the car by all users of the building, including staff and visitors.
- b) At the start of the second year of operation of the approved Travel Plan a detailed survey showing the methods of transport used by all those users of the building to and from the site and how this compares with the proposed measures and any additional measures to be taken to encourage the use of public transport, walking and cycling to the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

In order that the use of non-car based travel is encouraged in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 Sustainable Transport of The Core Strategy 2011 and Saved Policies 5.2 Transport Impacts, 5.3 Walking and Cycling and 5.6 Car Parking of the Southwark Plan 2007.

- 7 Before the first occupation of the building/extension the cycle storage facilities as shown on drawing No. 07725-PL03 Rev E shall be provided and thereafter such facilities shall be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 - Sustainable Transport of The Core Strategy and Saved Policy 5.3 Walking and Cycling of the Southwark Plan 2007.

- 8 Before the first use of the playground, the car parking shown on the drawings hereby approved, or approved subsequently in accordance with any condition of this permission, shall be made available, and retained for the purposes of car parking for vehicles of staff and visitors of the development and no trade or business shall be carried out thereon.

Reason

To ensure the permanent retention of the parking areas, to avoid obstruction of the surrounding streets by waiting vehicles and to safeguard the amenities of the adjoining properties in accordance with The National Planning Policy Framework 2012, Strategic Policy 2 Sustainable Transport of The Core Strategy 2011 and Saved Policies 3.2 Protection of Amenity, Policy 5.2 Transport Impacts and 5.6 Car Parking of the Southwark Plan 2007 and Strategic Policy 2 Sustainable Transport of the Core Strategy 2011.

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 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

The applicant was advised of amendments needed to make the proposed development acceptable. These amendments were submitted enabling the application to be granted permission.

Informative

The proposed use of tree grills should be amended to an alternative tree pit surfacing.

Agenda Item 7.2

TITLE.

Ground Floor Shop Premises,
60 - 62 Hopton Street, SE1 9JH.



DRAWING No. LBS_3122(Layout2)

DRAWN BY. MMANKTELOW
Property Division

DATE. 8/7/2014

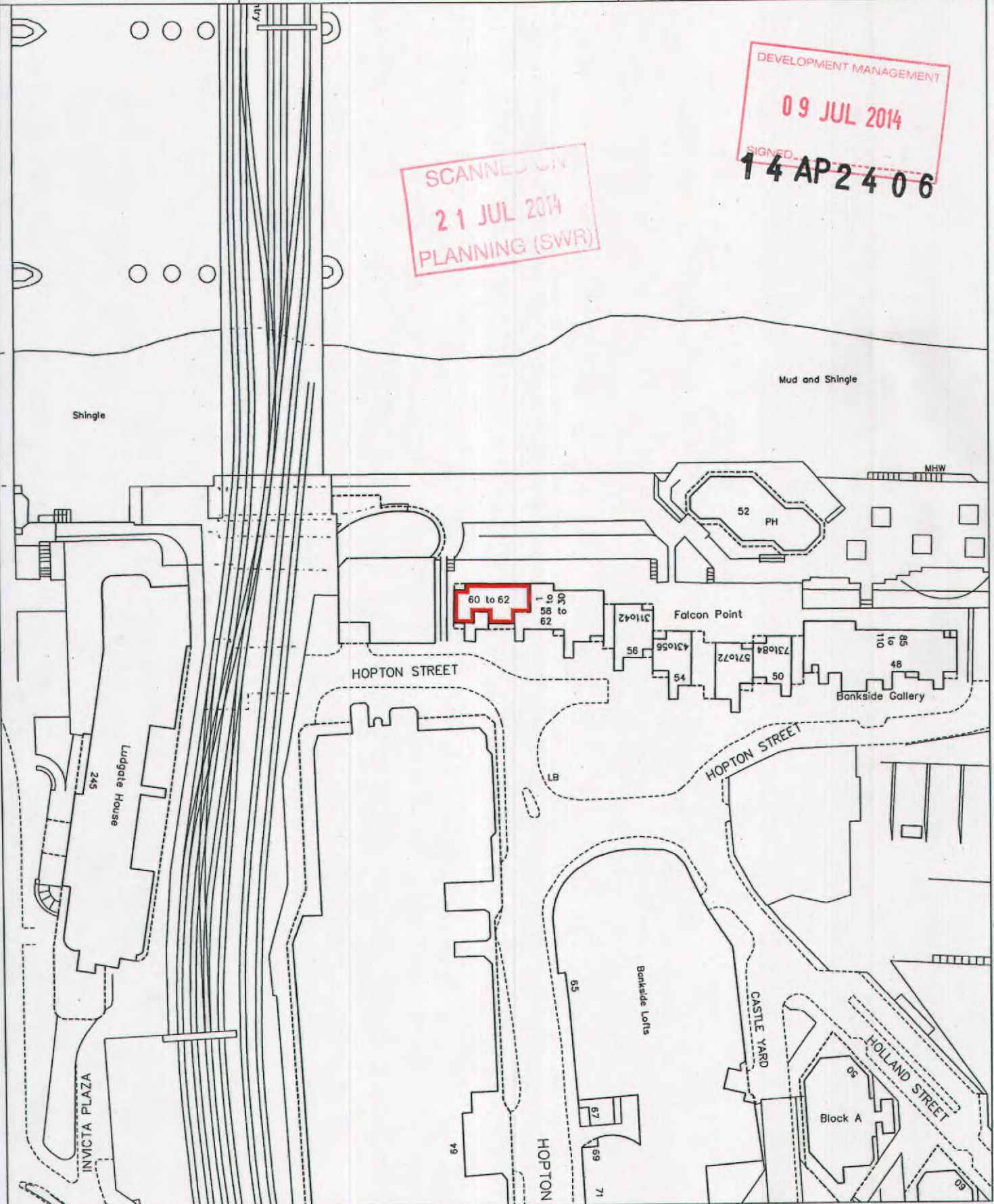
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SCANNED BY
21 JUL 2014
PLANNING (SWR)

DEVELOPMENT MANAGEMENT
09 JUL 2014
SIGNED
14 AP 24 06



Item No. 7.2	Classification: OPEN	Date: 15 October 2014	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Council's own development Application 14/AP/2406 for: Full Planning Permission Address: 60-62 HOPTON STREET, LONDON SE1 9JH Proposal: Change of use of ground floor of 60-62 Hopton Street from a cultural centre (within use class D1) to an A1 retail shop with hours of operation between 07:00 to 19:30, 7 days per week.		
Ward(s) or groups affected:	Cathedrals		
From:	Head of Development Management		
Application Start Date 23/07/2014		Application Expiry Date 17/09/2014	
Earliest Decision Date 31/08/2014			

RECOMMENDATION

- 1 That this matter is considered by the planning sub-committee as more than 5 objections have been received in respect of an application for the council's own development in accordance with Part 3F paragraph 10(b) of the council constitution; and that planning permission is granted subject to conditions.

BACKGROUND INFORMATION

Site location and description

- 2 The site is on the ground floor of the Falcon Point flats. It is at the eastern end of the building and can be accessed from both the river facing side to the north and Hopton Street to the south. It has two glazed frontages. Along the eastern side is a pedestrian access from Hopton Street to the riverside and Blackfriars Station.
- 3 Falcon Point is a late twentieth century mixed use development of flats over commercial units on the ground floor. It is set within an area of predominantly hard landscaping. The ground floor is lower than the raised area predominantly used by pedestrians to walk alongside the river.
- 4 The site is in the central activity zone, Bankside and Borough opportunity area, strategic cultural area, Bankside and Borough town centre and is a protected shopping frontage, subject to Article 4 directions. In addition it is within the Thames policy area and floodplain.

Details of proposal

- 5 To materially change the use of the premises from a cultural centre (within use class D1) to an A1 retail shop.

Planning history

- 6 98016748 planning permission dated 27/4/99 for change of use to cultural centre involving exhibitions, promotions, meetings, administration plus ancillary cafe cold snacks and retail sales.

Permission was subject to a condition (3) limiting hours of use from 0800 to 1830.

- 7 06/EN/0393 Enforcement type: Change of Use (COU)
Use of unit as a sushi house
Sign-off date 22/02/2008 Sign-off reason: Final closure - breach ceased (FCBC)
- 8 13/EN/0038 Enforcement type: Change of use (COU)
Opening of a cafe/restaurant in contravention of an enforcement notice.
Sign-off date 02/04/2013 Sign-off reason: Final closure - breach ceased (FCBC)

Planning history of adjoining sites

- 9 54 Hopton Street
03AP0030 Permission refused for retention of outdoor seating area 9 June 2003, refusal upheld on appeal on 10 April 2004 APP/A5840/A/03/1121051. Inspector assessed that noise from seating would be intrusive and disturbing to nearby residential occupiers, it could be caused by phone conversations, children screaming or shouting, or crockery being dropped and tables moved.
- 10 47 Hopton Street (Bankside 4)
Condition 27 of Permission 10-AP-0577 limited the use of the development for commercial purposes from 8:00am to midnight Monday to Saturday and 9:00am to 11:00pm on Sundays in order to protect residential amenity.
- 11 64 Hopton Street (Sampson House)
Condition 28 of permission 12/AP/3940 issued 28/3/14 restricts the use of A1-A5 and D1 uses in the development to 7:00am to 11:00pm Monday to Sunday to safeguard residential amenity.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 12 The main issues to be considered in respect of this application are:
- a) principle of land use
 - b) effect on amenity

Planning policy

- 13 National Planning Policy Framework (the Framework)
Core planning principles
Section 1 Building a strong and competitive economy
Section 8 Promoting healthy Communities
- 14 London Plan July 2011 consolidated with revised early minor alterations October 2013
Policy 3.16 Protection and enhancement of social infrastructure
- 15 Core Strategy 2011
Strategic Policy 1 Sustainable development
Strategic Policy 3 Shopping, leisure and entertainment

Strategic Policy 10 Jobs and businesses
Strategic Policy 13 High environmental standards

- 16 Southwark Plan 2007 (July) - saved policies
Policy 1.9 Change of use within protected shopping frontages
Policy 2.1 Enhancement of community facilities
Policy 3.2 Protection of amenity
- 17 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.

Principle of development

- 18 The current permitted use is a D class use, although use as a place of worship is excluded by condition.
- 19 The use as a community centre has broad policy support. The NPPF refers to the need for planning to make provision for community facilities as part of the planning process. This is reflected in policy 3.16 of the London Plan that acknowledges a demand for enhanced community facilities. Policy 2.1 of the Southwark Plan shows how these strategic considerations will translate to the process of development management. Policy 2.1 is reproduced below.

Policy 2.1 Enhancement of community facilities

- 20 Planning permission for a change of use from D class community facilities will not be granted unless:
- i. The applicant demonstrates to the satisfaction of the LPA that the community facility is surplus to requirements of the local community and that the replacement development meets an identified need; or*
- ii. The applicant demonstrates that another locally accessible facility with similar or enhanced provision can meet the identified needs of the local community facility users.*
- 21 The applicant has provided a planning statement which sets out their reasons why they consider the policy to be complied with.
- 22 At this site the first use considered under the April 1999 permission was that of a Chinese cultural centre, latterly there has been an attempt to operate the site as a gallery or artists exhibition space with cafe. To say that an area has a surplus of galleries seems odd, as a gallery has a value that it is hard to see there could be a surplus of, for planning purposes however it has to be assumed that sufficient galleries in an area can exist.
- 23 It is the case that a gallery style use has struggled on this site. Attempts to hold sales or exhibitions have foundered, because they have either considerably exceeded the permitted hours, or resulted in goods being displayed for sale outside the red line area of the site. Unfortunately a permanent gallery has not established and residents have had to endure sporadic bouts of loss of amenity from a failure to abide by conditions

on the few occasions a use for the site has been found. The statement in the planning statement that in practice the site has not been used for three years is accepted. It is also noted that no objection has been received from anyone seeking to retain or use this space for a cultural purpose, or from local residents seeking retention.

- 24 The immediate shopping parade has six units only two of which are in A1 use. Policy 1.9 seeks to retain 50% A1 use. In this sense the return to an A1 use is welcome both in terms of restoring policy compliance and by restoring local shopping facilities.
- 25 The planning statement identifies seven alternative galleries within half a mile of the site. Tellingly three of the galleries listed are within 100 metres of the site. This is not therefore a location with a shortage of provision of this type of use. That factor, together with the fact that the site has not been actively used by the local community is sufficient to achieve compliance with policy 2.1.

Environmental impact assessment

- 26 Not required for a proposal of this size and scope

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

- 27 The block is one designed to have commercial units beneath it. The use proposed as an A1 shop appears to have existed prior to the cultural centre permission of April 1999. The applicant is also proposing a restriction on hours of operation.
- 28 There have been objections to the hours of use proposed from residents of the residential block on the basis that this will result in loss of amenity. Objectors do not seek to prevent the change of use, but restrict its hours of operation. Different hours are proposed by different objectors, but Falcon Point Management Group suggest closure on Monday, 9:00 to 18:00 Tuesday to Saturday and 10:00 to 16:00 on Sunday.
- 29 The block is not located on a main road. It is however within 50 metres of Blackfriars mainline rail station and close to the riverside a major pedestrian route. The majority of shops in the borough are either historic or were permitted at a time when it was not considered necessary to restrict hours of operation by planning condition. Trading patterns are such that it is now considered appropriate that a restriction on hours of operation could now be imposed.
- 30 In setting such conditions a definite harm to amenity needs to be identified. A shop use is not generally considered to be particularly problematic. It is a generalisation, but visits tend to be relatively short term, not a group activity and not an activity linked to noise in the way that an A3 (restaurant) or A4 (bar) use might be. Nevertheless some noise will still be generated from those going to and from a shop.
- 31 The noise that the shop may generate needs to be considered in the context of the wider area. In terms of pedestrian footfall this is now a busy central London location, characterised by those visiting the station and the cultural uses in the area. It is an area of mixed developments in a urban area rather than a shop in a suburban residential area.
- 32 The shop entrances on both frontages are beneath balconies of the flats above. Photographs of each elevation show that the flats are recessed immediately above each entrance to form a balcony. It is not considered that there is a particular feature of Falcon Point that separates it from other similar mixed use developments.

- 33 The history of adjoining sites (paras 9 to 11 above) identifies three relevant planning decisions. Taking them in turn 54 Hopton Street concerned outside seating for Starbucks cafe, which a planning inspector found to be harmful to amenity because it allowed people to congregate outside the cafe, with resultant noise and disturbance for residents immediately above. The inspector noted a high background noise level of 60db , but still considered that sporadic noise from an external use such as tables and chairs would be unacceptable to residential amenity. The decision though does not relate to a shop use, but an exposed use immediately in front of one of the commercial units.
- 34 When the existing commercial units at Bankside 4 were permitted beneath the flats and the proposed units at Sampson House permitted, hours broader than those proposed by the applicant were considered to be acceptable. While it is the case that each site must be considered on its merits it is also the case that planning authorities should act in a consistent manner. It is not considered that there is any characteristic of significance that separates this unit from those that exist at Bankside 4 or those proposed at Sampson House.
- 35 Paragraph 19 of section 1 of the NPPF states;
- The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.*
- 36 This is an area and location in which a business should be able to flourish. Planning conditions should not unnecessarily restrict and diminish economic activity on a site well suited for it. It is therefore assessed that the appropriate hours condition would be to ensure that during periods in which people are likely to be asleep 2300 to 0700 the shop should be closed. this would reflect assessments made recently on similar developments in the locality. The applicant has proposed more restrictive opening hours of 07:00 to 19:30. It would not be appropriate to impose a condition for greater hours than those sought as these were the hours consultees considered. To permit extended hours would be to permit more than had been applied for.

- 37 The site plan identifies a pre-existing refuse store that can be utilised by the shop.

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

- 38 None.

Transport issues

- 39 The size and location of the site is such that it is unlikely to generate significant vehicle movements to the area. The shop will need to be serviced, but this is a pre-existing unit that would be serviced in any event, no significant increase in servicing will result. To protect residential amenity it is appropriate that deliveries be limited to the hours of operation.

Sustainable development implications

- 40 The proposed development is likely to restore a use on the site bringing vitality and activity to the site. The site is currently empty and vacant. The development is therefore likely to have economic, environmental and social benefits and therefore can be considered to be sustainable.

Other matters

- 41 The applicant has described this proposed development as "Change of use of ground floor of 60-62 Hopton Street from a Cultural Centre (within use Class D1) to an A1 Retail Shop with hours of operation between 07:00 to 19:30, 7 days per week". Strictly speaking the hours of operation are not part of the proposed development. Having regard to the objections received it was helpful to publicise clearly the proposed hours of operation as these have been the main item of concern.
- 42 In terms of the recommended planning permission the development description is "Change of use of ground floor of 60-62 Hopton Street from a cultural centre (within use class D1) to an A1 Retail Shop" with hours of operation confined to a condition. This gives greater flexibility to the decision maker in terms of an overall decision, or amendment to conditions if seen fit. It is not considered to prejudice either objectors or applicant.
- 43 The site is in the flood plain protected by the Thames barrier a shop use is classified as less vulnerable in the NPPF technical guidance. The change of use does not result in any alteration in the flood risk vulnerability of the site.

Conclusion on planning issues

- 44 There are no in principle objections to the proposed use at this site, which is considered to be sustainable development. No objection to the change of use has been raised. Objections have been raised to the proposed hours of operation. Despite this the proposed hours are recommended as a condition, because they are in total less than hours granted for similar commercial premises in nearby developments. The hours proposed are considered to provide adequate protection of residential amenity at this site.

Community impact statement

- 45 In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- a) The impact on local people is set out above.
- b) The residents of the flats above this site are most likely to be effected, it has been assessed though that the proposed hours of operation offer adequate protection to their amenity and do not result in any adverse impact by virtue of any protected characteristic any such resident might have.

Consultations

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

Consultation replies

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

Summary of consultation responses

- 48 7 objections have been raised primarily on the basis of the hours of operation sought by the applicant.

24 Falcon Point

- Opening hours applied for are very long, shop is situated with bedrooms immediately above the entrance of the shop. In practice opening and closing will add an additional half hour to the permitted hours at either end of the day. No respite at the weekends.
- Remainder of objection not considered to relate to the application.

86 Falcon Point

- This property is within a S.S. frontage as stated in the Southwark plan. It is on the end of the block and therefore accessible from 3 sides.
- 12.5 hours each day, 7 days a week together with the added hours for delivery of supplies is far too excessive for this type of frontage.
- Falcon Point is primarily a residential block with 110 flats. The living room/ kitchen is one room running front to back. There are 3 other A1 shop units, in this frontage, plus a housing office and Bankside gallery, which is classed as D1. The flats already suffer from excessive noise penetration from the new Blackfriars station's constant announcements, noise from vast numbers of commuters morning and evening, who rush directly past the side of the flats from the station to access Southwark St. and the constant noise from people along the riverwalk. The commuters and the riverwalk users also talk very loudly on their mobile phones. The noise rises and residents have little peace and quiet as the noise is all around them.
- A shop directly beneath, open for this length of time each day, including Sundays is far too excessive and the residents would get no peace, as viable shops often attract potential customers who stand outside and chat after hours. All can be heard in the flats on the 1st and 2nd floors above, as too can the supply lorries often arriving at night to avoid the congestion charge.
- I do not object to the change to A1 use but whilst I understand Southwark Property need to attract the highest rental return for this property I do believe 9am- 6pm Mon.-Sat. and 10am - 4pm Sundays would be fair to all. Residents have to be allowed some quiet time and this should be of priority concern and consideration.

Flat in Block 1 Falcon Point, objection in similar terms from Flat 33 Falcon Point and Falcon Point Management Group and a further unidentified resident by email

- This unit (60-62 Hopton Street) is located within Falcon Point, a council estate managed by FPMG, a Tenant Management Organisation (TMO). This is a largely residential area with 110 flats in ten blocks. Bankside lofts are situated opposite Falcon Point. Number 60-62 Hopton Street is a secondary shopping frontage in the Southwark Plan, and the proposed hours of operation are excessive and inappropriate within this setting.
- There are five other mixed use units within Falcon Point – Hollywell Music, the TMO office, Starbucks, a Newsagent plus Bankside Gallery. No other ground floor units within Falcon Point have these operating hours.
- Therefore 07.00 to 19.30 opening hours giving 12.5 hrs per day seven days a week would set an unwelcome precedent. This means out of the 168 hours in a week this shop unit could be potentially open for 87.5 hours giving residents a respite of just 80.5 hours in the week. It is worth mentioning that people will

congregate around the shop – using their phones, smoking and shouting (as they do at some of the other units here). There are three entrances into number 62 Hopton Street.

- Activity in the unit before 9am is likely to cause noise and disturbance to residents. If the shop opened at 7am every day someone would have to be at the premises well before this time to get ready for opening. This could mean shutters being rolled up, door slamming and external lights on at 6.30am. The council has a duty of care and I would expect Southwark to support resident's quiet enjoyment of their homes.
- Deliveries and servicing to number 62 are likely to be outside operating hours (as they are for some other units on the ground floor) making extended operating hours by default.
- Therefore, I propose 9.00hrs – 18.00hrs five days a week and 10.00hrs until 16.00hrs on Sundays with one day closed altogether (such as a Monday) as more reasonable and appropriate in a high density residential area. This would give residents some brief respite from constant activities in a ground floor shop with three entrances.
- I request that the current proposed opening hours of 7.00hrs to 19.30hrs be refused and more resident friendly hours adopted as suggested. I also believe that it will affect parking as vehicles deliver goods, cars stopping etc...currently the Residents spaces are often taken up in this way thus there is no room for our cars. We have endured... and no doubt will continue to...constant building and development on our doorsteps, with little attempt to consider residents' needs for some peace and respite...I therefore support the idea of limited hours/closed day as below.

105 Falcon Point

- Whilst I have no objection to the change of use to A1, I am firmly of the opinion that a firm restriction should be placed on opening hours. The other units within the development operate on the basis of shorter opening hours and it would be unfair to residents to create a precedent that would, no doubt, be followed as the other leases came up for renewal.
- It is accepted that the area is developing rapidly but I take the view that the Council needs to take a balanced approach and be mindful of its duty, on matters within its control, to ensure that residents benefit from the quiet enjoyment of their homes.
- I would therefore suggest that trading within this unit should be restricted to 9am-6pm six days a week with one day per week when the shop would remain closed.

Human rights implications

- 49 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.
- 50 This application has the legitimate aim of providing retail floorspace. 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/1536-G Application file: 14/AP/2406 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 7007 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Gavin Blackburn, Senior Enforcement Officer	
Version	Final	
Dated	2 October 2014	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director, 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
Date final report sent to Constitutional Team		2 October 2014

APPENDIX 1**Consultation undertaken****Site notice date:** 08/08/2014**Press notice date:** n/a**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 06/08/2014**Internal services consulted:**

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

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 7 Falcon Point Hopton Street SE1 9JW
 56 Falcon Point Hopton Street SE1 9JW
 6 Falcon Point Hopton Street SE1 9JW
 54 Hopton Street London SE1 9JH
 Managers Flat Founders Arms SE1 9JH
 Sampson House 64 Hopton Street SE1 9JH
 56 Hopton Street London SE1 9JH
 58 Hopton Street London SE1 9JH
 60-62 Hopton Street London SE1 9JH
 55 Falcon Point Hopton Street SE1 9JW
 48 Falcon Point Hopton Street SE1 9JW
 49 Falcon Point Hopton Street SE1 9JW
 47 Falcon Point Hopton Street SE1 9JW
 45 Falcon Point Hopton Street SE1 9JW
 46 Falcon Point Hopton Street SE1 9JW
 5 Falcon Point Hopton Street SE1 9JW
 53 Falcon Point Hopton Street SE1 9JW
 54 Falcon Point Hopton Street SE1 9JW

69 Falcon Point Hopton Street SE1 9JB
 67 Falcon Point Hopton Street SE1 9JB
 65 Falcon Point Hopton Street SE1 9JB
 66 Falcon Point Hopton Street SE1 9JB
 70 Falcon Point Hopton Street SE1 9JB
 74 Falcon Point Hopton Street SE1 9JB
 75 Falcon Point Hopton Street SE1 9JB
 73 Falcon Point Hopton Street SE1 9JB
 71 Falcon Point Hopton Street SE1 9JB
 72 Falcon Point Hopton Street SE1 9JB
 64 Falcon Point Hopton Street SE1 9JB
 Founders Arms 52 Hopton Street SE1 9JH
 57 Falcon Point Hopton Street SE1 9JB
 50 Hopton Street London SE1 9JH
 Part Ground Floor Sampson House SE1 9JH
 32 56 Hopton Street SE1 9JH
 58 Falcon Point Hopton Street SE1 9JB
 62 Falcon Point Hopton Street SE1 9JB
 63 Falcon Point Hopton Street SE1 9JB
 61 Falcon Point Hopton Street SE1 9JB
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 76 Falcon Point Hopton Street SE1 9JB
 16 Falcon Point Hopton Street SE1 9JW
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 12 Falcon Point Hopton Street SE1 9JW
 80 Falcon Point Hopton Street SE1 9JB
 81 Falcon Point Hopton Street SE1 9JB
 79 Falcon Point Hopton Street SE1 9JB
 77 Falcon Point Hopton Street SE1 9JB
 78 Falcon Point Hopton Street SE1 9JB
 82 Falcon Point Hopton Street SE1 9JB
 10 Falcon Point Hopton Street SE1 9JW
 11 Falcon Point Hopton Street SE1 9JW
 1 Falcon Point Hopton Street SE1 9JW

52 Falcon Point Hopton Street SE1 9JW
50 Falcon Point Hopton Street SE1 9JW
51 Falcon Point Hopton Street SE1 9JW
68 Falcon Point Hopton Street SE1 9JB

83 Falcon Point Hopton Street SE1 9JB
84 Falcon Point Hopton Street SE1 9JB
The Community Space 18 Great Guildford Street SE1 0SY
21 Falcon Point Hopton Street SE1 9JW

Re-consultation: n/a

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

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Email representation

1 Falcon Point Hopton Street SE1 9JW

24 Falcon Point Hopton Street SE1 9JW

33 Falcon Point Hopton Street SE1 9JW

86 Falcon Point Hopton Street SE1 9JB

105 Falcon Point Hopton Street SE1 9JB

Falcon Point Management Group

RECOMMENDATION

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

Applicant	London Borough of Southwark	Reg. Number	14/AP/2406
Application Type	Full Planning Permission	Case Number	TP/1536-G
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Change of use of ground floor of 60-62 Hopton Street from a Cultural Centre (within use Class D1) to an A1 Retail Shop.

At: 60-62 HOPTON STREET, LONDON SE1 9JH

In accordance with application received on 09/07/2014 08:02:05

and Applicant's Drawing Nos. Planning statement, site plan general, site plan detail identifying refuse store

Subject to the following two 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.

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.

- 2 The use hereby permitted for a retail shop (within Use Class A1) and all deliveries and collections associated with it shall not be carried on outside of the hours 07:00 to 19:30 on Monday to Sunday.

Reason:

To safeguard the amenities of neighbouring residential properties 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 application has considered and is accordance with published planning policy.

PLANNING SUB-COMMITTEE A AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2014-15

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
To all Members of the sub-committee			
Councillor Lorraine Lauder MBE (Chair)	1	Environment & Leisure	
Councillor James Barber (Vice-Chair)	1	Environmental Protection Team	1
Councillor Nick Dolezal	1		
Councillor Lucas Green	1		
Councillor Vijay Luthra	1	Communications	
Councillor Eliza Mann	1	Robin Campbell	1
Councillor Sandra Rhule	1		
		Total:	37
(Reserves)			
Councillor Stephanie Cryan	1		
Councillor Chris Gonde	1	Dated: 12 June 2014	
Councillor Rebecca Lury	1		
Councillor David Noakes	1		
Councillor Rosie Shimell	1		
Councillor Johnson Situ	1		
External			
Libraries	1		
Officers			
Constitutional Officer (Community Councils) Hub 4 (2 nd Floor), Tooley St.	15		
Claire Cook Planning, Hub 2 (5 th Floor) Tooley St.	4		
Rachel McKoy, Legal Services Hub 2 (2 nd Floor) Tooley St.	1		
Alex Gillott, Legal Services Hub 2 (2 nd Floor) Tooley St.	1		