

Planning Sub-Committee A

Tuesday 12 May 2015

7.00 pm

Ground Floor Meeting 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

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Contact

Gerald Gohler on 020 7525 7420 or email: gerald.gohler@southwark.gov.uk

Webpage: www.southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 1 May 2015



Planning Sub-Committee A

Tuesday 12 May 2015
7.00 pm
Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

Order of Business

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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 the minutes of the meeting held on 10 February 2015 as a correct record of the meeting.	
7.	DEVELOPMENT MANAGEMENT ITEMS	7 - 11
	7.1. EAST DULWICH TABERNACLE CHURCH, 107 BARRY ROAD, LONDON SE22 0HW	12 - 26
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Date: 1 May 2015



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 10 February 2015 at 7.00 pm at Ground Floor Meeting Room G02A - 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Lorraine Lauder MBE (Chair)
Councillor Nick Dolezal
Councillor Lucas Green
Councillor Vijay Luthra
Councillor Eliza Mann
Councillor Sandra Rhule

OTHER MEMBERS PRESENT: Councillor Adele Morris, Cathedrals Ward

OFFICER SUPPORT: Rob Bristow, Group Manager, Major Applications (Planning)
Dipesh Patel, Team Leader- Major Applications (Planning)
Christian Loveday, Principal Transport Planner
Neil Loubser, Planning Officer
Anjana Ghosh, Legal Officer
Sean Usher, Constitutional Officer

1. INTRODUCTION AND WELCOME

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

2. APOLOGIES

Apologies were received from Councillor James Barber.

3. CONFIRMATION OF VOTING MEMBERS

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

The following members made declarations regarding the agenda items below:

Agenda item 5.2 – 163 -167 GRANGE ROAD, LONDON SE1 3AD

Councillor Lucas Green withdrew from the sub-committee for item 5.2 in order to speak against the application.

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 items 5.1 – 5.6
- Members pack.

6. DEVELOPMENT MANAGEMENT ITEMS

ADDENDUM REPORT

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

RESOLVED:

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

6.1 96 WEBBER STREET, LONDON SE1 0QN

Planning application reference number 14/AP/0723

Report: See pages 7 to 28 of the agenda and page 2 in the addendum report.

PROPOSAL:

Alterations and extensions to existing building, including construction of a mansard-style roof extension, roof terrace and the raising of part of parapet front wall on corner of Webber Street and Rushworth Street, to extend existing first floor residential unit. Retention and refurbishment of the existing ground floor workshops (Class B1). Construction of a new detached two bedroom, two-storey building at rear to accommodate a single family dwelling (Use Class C3).

The sub-committee heard an introduction to the reports from a planning officer and asked question of the officer.

Local residents who objected to the application made representations to the sub-committee and answered members' questions.

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

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

Members debated the application and asked questions of the officers.

The motion to grant the application was moved, seconded and put to the vote and declared to be carried.

In accordance with committee procedure rule 1.8.(4) Councillor Eliza Mann requested that her vote against the motion be recorded in the minutes.

RESOLVED:

That the planning permission for application number 14/AP/0723 be granted subject to conditions as set out in the report and addendum report and additional conditions relating to traffic/pedestrian matters and construction management that arose from the sub-committee debate.

At this juncture Councillor Lucas Green withdrew from the voting membership of the sub-committee.

6.2 163 -167 GRANGE ROAD, LONDON SE1 3AD

Planning application reference number 14/AP/1247

Report: See pages 29 to 57 of the agenda and page 2 in the addendum report.

PROPOSAL:

Erection of a new mixed-use development comprising of 7 storeys with 3 commercial units (retail, financial and professional services or office) & 20 residential units of mixed tenure (10x one bedroom, 6 x two bedroom and 4 x three bedroom units) some with terraces.

The sub-committee heard an introduction to the reports from a planning officer and asked question of the officer.

Local residents who objected to the application made representations to the sub-committee and answered members' questions.

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

Councillor Lucas Green having withdrawn as a voting member of the sub-committee spoke in his capacity as ward member. Members of the sub-committee asked questions of the ward member.

Members debated the application and asked questions of the officers.

The motion to grant the application was moved, seconded put to the vote and declared to be carried.

RESOLVED:

That the planning permission for application number 14/AP/1247 be granted subject to conditions as set out in the report and addendum report and additional conditions relating to overlooking/screening on the balconies.

6.3 THE HOP EXCHANGE, 24 SOUTHWARK STREET, LONDON SE1 1TY

Planning application reference number 14/AP/2245

Report: See pages 58 to 81 of the agenda pack and page 3 in the addendum report.

PROPOSAL:

Change of use of vacant office (Use Class B1) and storage to restaurant and bar (Use Class A3/A4) on upper ground, first, second and third floors together with ancillary storage in the basement; roof top plant and solar panels; external alterations including formation of new entrance and alterations to fenestration to the west wing of the building.

The chair and the sub-committee agreed to vary the order of business to hear agenda items 5.3 and 5.4 together as they both for the same site and applicant.

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

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

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

Members debated the application and asked questions of the officers.

The motion to grant the application was moved, seconded put to the vote and declared to be carried.

RESOLVED:

That the planning permission for application number 14/AP/2245 be granted subject to conditions as set out in the report and addendum report.

6.4 THE HOP EXCHANGE, 24 SOUTHWARK STREET, LONDON SE1 1TY

Planning application reference number 14/AP/2246

Report: See pages 82-97 of the agenda.

PROPOSAL:

Installation of roof top plant and solar panels; external alterations including formation of new entrance and alterations to fenestration and internal alterations to the west wing of the building in association with the change of use from office (Use Class B1) and storage to restaurant and bar (Use Class A3/A4) on basement, upper ground, first, second and third floor.

The chair and the sub-committee agreed to vary the order of business to hear agenda items 5.3 and 5.4 together as they both for the same site and applicant.

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

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

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

Members debated the application and asked questions of the officers.

The motion to grant the application was moved, seconded put to the vote and declared to be carried.

RESOLVED:

That the planning permission for application number 14/AP/2246 be granted subject to conditions as set out in the report.

6.5 2A BAWDAL ROAD, LONDON SE22 9DN

Planning application reference number 14/AP/3856

Report: See pages 98 -112 of the agenda and pages 3 and 4 in the addendum report.

PROPOSAL:

Change of use from MOT/car repair centre (Use Class B2) and ancillary office space to a single residential dwelling (Use Class C3) with alterations to the front and rear elevations.

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

A local resident addressed the sub-committee. Members had questions for the local resident.

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

Members debated the application and asked questions of the officers.

The motion to grant the application was moved, seconded, put to the vote and declared to be carried.

RESOLVED:

That the planning permission for application number 14/AP/3856 be granted subject to conditions as set out in the report and addendum report.

6.6 SOUTHWARK PARK, GOMM ROAD, LONDON SE16 2TL

Planning application reference number 14/AP/3065

Report: See pages 113 - 124 of the agenda and page 5 in the addendum report.

PROPOSAL:

Construction of a block of two tennis courts enclosed by a 3metre high black mesh fence.

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

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

Members debated the application and asked questions of the officers.

The motion to grant the application was moved, seconded and put to the vote and declared to be carried.

RESOLVED:

That the planning permission for application number 14/AP/3065 be granted subject to conditions as set out in the report and addendum report.

Meeting ended at 10.40pm

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 12 May 2015	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 sub-committee items members are asked, where appropriate:
 - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
 - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
 - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

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

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Legal Services

12. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the sub-committee and issued under the signature of the head of development management shall constitute a planning permission. Any additional conditions required by the sub-committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning sub-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 and the 2011 London Plan. 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. Due weight should be given to relevant development plan policies according to their degree of consistency with the NPPF. The approach to be taken is that the closer the policies are 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	Lelsey John 020 7525 7228
Each planning sub-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 1	Items to be determined by the planning sub-committee

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager	
Report Author	Sarah Koniarski, Constitutional Officer Jonathan Gorst, Head of Regeneration and Development	
Version	Final	
Dated	June 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		June 2014

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE A
on Tuesday 12 May 2015

Appl. Type	Full Planning Permission	Reg. No.	13-AP-3694
Site	EAST DULWICH TABERNACLE CHURCH, 107 BARRY ROAD, LONDON SE22 OHW	TP No.	TP/2596-D
		Ward	East Dulwich
		Officer	Dipesh Patel

Recommendation GRANT PERMISSION

Item 7.1

Proposal

Demolition of existing rear and front extensions and replacement with a new single storey extension to the rear and a part single storey and part two storey to the front

Appl. Type	Council's Own Development - Reg. 3	Reg. No.	14-AP-0558
Site	THE LAKE, SOUTHWARK PARK, GOMM ROAD, LONDON SE16	TP No.	TP/139-G
		Ward	Rotherhithe
		Officer	Ciaran Regan

Recommendation GRANT PERMISSION

Item 7.2

Proposal

Installation of a 2.74m high bronze 'Family of Dolphins' sculpture and integral fountain in Southwark Park Lake.

Appl. Type	Full Planning Permission	Reg. No.	15-AP-0542
Site	TRANSMITTER MAST 31867, DULWICH SPORT GROUND, 102-106 TURNEY ROAD, LONDON SE21 7JH	TP No.	TP/2546-B
		Ward	Village
		Officer	Neil Loubser

Recommendation GRANT PERMISSION

Item 7.3

Proposal

Upgrade to existing radio base station consisting of the removal of three of the existing 6 antennas on the existing replica cypress tree telecommunications mast and removal of one equipment cabinet; Installation of three replacement antennas, one replacement equipment cabinet and ancillary development

Appl. Type	S.73 Vary/remove conds/minor alterations	Reg. No.	14-AP-4259
Site	190 SOUTHAMPTON WAY, LONDON SE5 7EU	TP No.	TP/2229-186
		Ward	Brunswick Park
		Officer	Mumtaz Shaikh

Recommendation GRANT PERMISSION

Item 7.4

Proposal

Variation of Condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays to allow opening: 07:00 to 19:00 on Monday to Friday and 09:00 to 16:00 on Saturday, Sundays and Bank Holidays.

Ordnance Survey

Date 29/4/2015



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Item No. 7.1	Classification: OPEN	Date: 12 May 2015	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 13/AP/3694 for: Full Planning Permission Address: EAST DULWICH TABERNACLE CHURCH, 107 BARRY ROAD, LONDON SE22 0HW Proposal: Demolition of existing rear and front extensions and replacement with a new single storey extension to the rear and a part single storey and part two storey to the front.		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date 15/11/2013		Application Expiry Date 10/01/2014	
Earliest Decision Date 16/01/2014			

RECOMMENDATION

1. That the application is referred to the planning sub-committee for consideration; and that full planning permission is granted subject to condition.

BACKGROUND INFORMATION

Site location and description

2. The site is presently occupied by a single storey brick chapel, used by the East Dulwich Tabernacle church, built around 1950 to replace a previous chapel which had suffered from bomb damage. Set towards the rear of the site, the building is approximately 21m from the Barry Road frontage and is of limited architectural merit. The site is located within a predominantly residential area, including dwellings adjacent to the its northern flank and rear boundaries.
3. The site is subject to the following designations:
 - Air Quality Management Area
 - Suburban Density Zone
 - Public Transport Accessibility Level (PTAL) 3.

The site is not within a conservation area or within the setting of a listed building or structure.

Details of proposal

4. The application proposes the partial demolition of the front and rear sections of the existing building, followed by the erection of a small single storey extension to the rear of the building and a larger part single / part two storey extension to the front of the existing building. The two storey part (measuring 9m in depth) of the overall front

extension (measuring 17m in depth) would front onto Barry Road, approximately in line with the existing adjacent two storey buildings. The extensions will house expanded church facilities including a slightly expanded worship area and class room space, along with improved kitchen, toilet facilities and circulation space.

Planning history

5. A previous application (13/AP/1077) in 2013 for part single/part two storey extensions to the church was withdrawn by the applicant.

Planning history of adjoining sites

103-105 Barry Road (adjacent to the north boundary of the application site)

6. Planning permission (08/AP/0433) granted in 2008 for the demolition of existing timber yard and construction of six three storey residential dwellings (ground and first floors plus roof space); parking and amenity space. This permission has been implemented.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

7. The main issues to be considered in respect of this application are:
 - a. The acceptability in principle of the proposed extensions
 - b. The impact of the proposed development on the amenity of neighbouring and local residents
 - c. Transport, highway and parking impacts
 - d. The design of the extensions and the impacts on the surrounding townscape

Planning policy

8. The following frameworks, policies and guidance are of particular relevance to the proposals:

National Planning Policy Framework (the Framework) 2012

This application should be considered against the Framework as a whole, however the following sections are particularly relevant:

- 4 -Promoting sustainable transport
- 7- Requiring good design
- 8- Promoting healthy communities
- 11- Conserving and enhancing the natural environment

London Plan (March 2015)

- Policy 3.9- Mixed and balanced communities
- Policy 3.16- Protection and enhancement of social infrastructure
- Policy 5.13 Sustainable drainage
- Policy 6.13- Parking
- Policy 7.6- Architecture
- Policy 7.15- Reducing noise and enhancing soundscapes

Southwark Core Strategy (2011)

- Strategic Policy 1 - Sustainable Development
- Strategic Policy 2 - Sustainable Transport
- Strategic Policy 12 - Design and Conservation
- Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

The council's cabinet on 19 March 2013, as required by paragraph 215 of the Framework, 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 Framework. 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 Framework. The following saved policies are considered to be particularly relevant to this application:

2.2 Provision of new community facilities

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

5.6 Car parking

5.7 Parking for disabled people

Supplementary Planning Documents (SPD)

Sustainable design and construction SPD (2009)

Principle of development

9. The land use at the site would remain the same as existing, the acceptability in principle of an extension to the existing facility, enhancing an existing community facility, is acceptable in this reasonably sustainable location.

Environmental impact assessment

10. The size, scale and potential impacts of the proposed development are not such to trigger the criteria for requiring an environmental impact assessment. However, the impacts of the proposal on the local area are considered below.

The impact of the proposed development on the amenity of local residents

11. There have been a number of objections to this proposal, all from local residents including concerns about the impact the scheme would have on their amenity. Concerns range from the impact on daylight and sunlight; privacy; noise and potential for a sense of enclosure. Many comments also refer to parking and highway safety; loss of green space, drainage and the lack of benefits for the local community - these matters addressed in other sections of this report. The following paragraphs deal with the potential for impact on local amenity.

Noise

12. The chapel has a gross internal area of 210sqm; the proposed scheme would result in a gross internal area of 465sqm, an increase of 221%. Such an increase would normally be associated with an increase in the congregation and/or a greater number of services and meetings. This is not however the driver for the application, which is to improve amenities at the site for users is evident from the proposed expansion of the worship area which would only have a small increase from 108sqm to 128sqm. This modest increase in area would not facilitate an increase in the congregation that the scheme might initially suggest. The applicants have provided details of the present

use of the chapel which consists of Sunday morning and afternoon worships, a Sunday School along with meetings on Wednesday and Friday evenings. Other less frequent meetings take place on Saturday during the day and quarterly on Tuesday afternoons. The architect has advised that the capacity for the worship area would decrease by five seats. This is because of the addition of wheelchair spaces and areas that would need to be kept free for access to the greater number of fire exits.

13. The current Wednesday evening meeting would be split into two meetings, one on a Monday evening and another on a Wednesday evening, there is also an aspiration for one further meeting for older young people. This could occur in any event and does not require planning permission.
14. Most noise complaints about places of worship relate to the worship events themselves rather than meetings. As it is the meetings that would increase, it is reasonable to judge that the proposed scheme would not give rise to significant noise and disturbance over and above that which already exists. The council's noise and nuisance team have not received any complaints of noise from the premises.
15. It is also relevant that the use of the site is presently unfettered by existing planning conditions meaning that the chapel could be used at any time of the day or night without breaching planning control. While the present occupants have been operating without causing nuisance, other operators could use the site with a different mode of operation. When considering the fact that amplified music could also be used during services at present and that the current glazing is single paned, there is a potential for noise disturbance with the current situation. There is no opportunity, through this application to control the use of the site with respect to hours of use, as it would be unreasonable given the limited nature of this proposed development. The potential to cause an impact on local amenity through noise could be significantly reduced with respect to break-out noise- a beneficial consequence should planning permission be granted. A condition is recommended for the applicant to provide details of a scheme of sound insulation to prevent noise break out (including noise from any music).
16. It is also recommended that a condition be imposed, should planning permission be granted, to prevent flank doors from being used for access and egress except in emergencies, other than for persons requiring step free access.

Daylight and sunlight

17. The properties that would be most affected are 103 and 105 Barry Road and 1-4 Poppy Mews to the north. Ground heights vary between the site and the dwellings to the north by up to 1.5m. This means that an increase in the height of the building may cause impacts on daylight and sunlight. The fence separating dwellings to the north is 1.62m in height meaning that its height as seen from the gardens of the dwellings would be approximately 3m.
18. The extension to the west would follow the building line of the existing footprint of the chapel, but would drop down in height by 1.5, at eaves level west of the existing building. The result would be a building form that would effectively replicate the relationship that presently exists behind 1 and 2 Poppy Mews. One difference would be that the extension would be 0.5m closer to the boundary fence of 3 and 4 Poppy Mews due to the fact that the fence is 0.5m further south behind part of 3 Poppy Mews. It would continue along this line to the west but this would be mitigated by the reduced height of the proposal in this direction.
19. Planning permission was granted in 2008 for the development of the site that is now occupied by 1-4 Poppy Mews and 103 and 105 Barry Road. The relationship between the chapel and the proposed residential units at 1 and 2 Poppy Mews was considered

to be acceptable at that time. The single storey extensions now proposed would have a similar relationship to that existing with 1 and 2 Poppy Mews to the west. It is noted that the existing fence at the rear of 1-4 Poppy Mews breaks a line that would be at 25 degrees from the centre of the ground floor rear doors, the impact of the additional height of the proposed building above this fence would not give rise to unacceptable harm for these properties. It is concluded that the impacts on daylight and sunlight for these adjacent properties would be acceptable.

20. The impact on 105 Barry Road would be of a similar degree with respect to the single storey element, however the proposed two storey part would be closer to this property. It would replicate relationships normally seen on streets, as is the case further south along Barry Road, where two storey buildings have a flank-to-flank relationship with each other. The relative heights of the proposed building and the boundary fence mean that there would be some degree of shading for the garden at 105 Barry Road and possibly at 103 Barry Road. These gardens, particularly at 105 Barry Road are affected by a significant degree of shading from the boundary fence and the impact of the proposed development would not exacerbate this impact to a significant extent.
21. To the south is 109 Barry Road, the garden of which is already close to the existing building. Being to the south, there would be no impact on sunlight. Daylight would not be severely affected as its primary windows would be oblique to the scheme and being at the same ground level as the application site, the potential for a sense of enclosure is small.
22. The Picketts Terrace Residents' Association have objected to the application on transport impacts (these are discussed below) and the impact on daylight and sunlight. These dwellings are over 26m to the north of the site and separated from it by houses on Poppy Mews, any impact on daylight or sunlight is therefore likely to be negligible.

Sense of enclosure

23. While the two storey element would not be visible from the rear windows and doors of 103 or 105 Barry Road, the single storey part would. It would only be visible obliquely to the rear windows and protrude above the boundary fence by 1.2m, although it would be set back by 1m that would reduce its perceived height and not give rise to an undue sense of enclosure. The built form facing 1-4 Poppy Mews would change but again, the perceived height above the boundary fence would be limited and not result in an undue sense of enclosure or overbearing appearance.
24. Works to the eastern part of the building would be modest with a 50cm increase in height at eaves. The building would not be closer to the boundary with 229 Underhill Road and therefore its impact on this property in terms of daylight, sunlight and sense of enclosure would be minimal.

Privacy and overlooking

25. A number of windows are proposed on the north and south elevations which may provide the potential for neighbours' properties to be overlooked. A condition is recommended requiring the glazing for these elements to be obscure glazed.

Transport issues

26. The applicant has advised that there would be no intensification of the use of the site should planning permission be granted, above an additional two meetings during the week. Significantly, there are no proposed changes to services which would remain as present: one morning and one afternoon service on Sundays.

27. Concern has been expressed by objectors about the impact that the development would have on parking in the area which is not a controlled parking zone. A list of regular attendees to the Sunday services provided by the applicant shows that most of them live in the local SE22 area. There is limited potential for intensification of use at the site because the modest increase in the worship area would provide a limit on numbers attending services. It is however considered reasonable to ensure that the number of services would not increase significantly and to this end, it is recommended that a condition requiring a schedule of services and meetings be submitted to the local planning authority for approval. Any schedule agreed would then need to be complied with, thus limiting the potential for intensification and possible transport impacts that may result.
28. The church presently has a number of mini busses that they park on the street during the week; these are used for ferrying people to and from the chapel, mainly for meetings and the Sunday school which is well attended. Being left on local streets during the week, the mini-buses take up parking spaces that residents would otherwise use, and residents have raised concerns about this situation being compounded by the proposed development. However, this is an existing situation and, given the safeguards secured through the recommended conditions, a material intensification in the use of the site, and thereby the use of the mini-buses, should not arise as a result of these proposals.
29. The applicant has also conducted and submitted the details of a transport survey. This shows that most of the people attending services either walk or share a vehicle to attend. Of the congregation, 58 walk or use public transport. Sixteen private vehicles are used to transport the 49 other people included in the survey. The council's transport planning team are satisfied with the results of this survey and do not raise any concerns.

Design issues

Scale and massing

30. A two storey elevation proposed on Barry Road would not be out of character with the existing scale of development, indeed it would in fact be of a slightly smaller scale, because its attic would be more modest than those to the north and south. It would also result in enclosure of the street with a two storey building alongside existing two storey buildings, adding to the overall character of the streetscene. On the remainder of the site, the massing would be suitably restrained for this predominantly residential environment.

Materials and detailed design

31. With the use of brick, the development would replicate the vernacular elsewhere in the area. One objection refers to the proposed windows of uPVC being out of character. Windows in the area are a mixture of traditional timber sash windows and more modern equivalents of uPVC. While the uPVC material may be acceptable, the usual centre opening casement type of windows would look out of place on this largely Victorian residential street. A condition is recommended to require details of windows to be provided before any above grade works. The first floor roof to the front would be covered in tile with the ridge finished in felt, materials that would be acceptable on a modern building. Whilst the overall design is not particularly innovative it is not considered to result in any detriment to the existing streetscene or visual amenities of the area.

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

32. The scheme is below the threshold for a contribution under s106. It would attract mayoral CIL only as this because there is a rate of £0 for the D2 uses locally. The mayoral CIL payable would be £13,926.96 but because the applicant is a charity, it would be able to apply for relief.

Sustainable development implications

33. The scheme would mean the covering of ground that is presently covered by grass and the loss of this green space has been cited by local residents as one of their concerns. A condition is recommended to require the applicant to install a soak-away or other sustainable urban drainage system (SuDS) to ensure that run-off would not increase. There is presently little ecological value for the lawn to the front and its loss would not materially affect habitat.
34. Given that the proposal only proposes extensions to an existing community facility, it is not considered necessary to impose any conditions requiring BREAM compliance.
35. Should planning permission be granted, the development would provide more suitable facilities for this community use, with better quality meeting rooms and step free access.

Other matters

36. A number of objections have been received from local residents referring to the drawings submitted being of poor quality. Although the drawings are of the more 'traditional' variety in that they appear to be hand drawn, they are clear, demonstrate the works proposed and show all relevant plans and elevations.
37. Some objectors also suggest that the scheme would not benefit the local community. While the benefit of the proposal would essentially be limited to members of the church, evidence from the applicant shows that they live in the local area and are therefore members of the local community.
38. One objector has raised the question of security. A gate on the front of the site would provide the same level of security as for the site as is present. A condition regarding boundary treatment would also require details of a means to secure the site and would address this concern.
39. Other comments have been received concerning the church's links with other faith organisations in the borough and the potential for this site to be used more intensively. As discussed above, this application provides the opportunity to control through planning what is presently an unfettered use. Were the site to be used by any other organisation, they would be subject to the same controls.

Conclusion on planning issues

40. The development would, through the extension of an existing chapel, provide better facilities for this community use and provide step free access. Impacts on amenity from noise would be limited as there will not be a material intensification of the use at the site, indeed were planning permission to be granted, what is presently an unfettered use could be controlled, to protect residential amenity. There would be some impact on daylight, sunlight and overshadowing to the north, however this would not cause unacceptable loss of amenity, partly because of the high boundary fence (viewed from residential properties to the north) and partly because of the relatively

modest protrusion above this that the scheme would provide.

Community impact statement

41. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. No adverse impact on any group with the protected characteristics detailed above is expected.

Consultations

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

Consultation replies

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

Summary of consultation responses

44. A total of nine objections have been received to this application. These are all from local residents, including an objection from the Picketts Terrace Residents' Association. The matters in the objections have been discussed in the main body of the report. However some issues that have not are:

- Lack of funding for the scheme,
- Concern about access that may be needed to residential properties for construction,
- Impact on retaining wall (with properties to the north).

The funding for the scheme is not a material planning consideration. Neither are the latter two issues as these are civil matters to be resolved between neighbours.

Human rights implications

45. 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.
46. This application has the legitimate aim of providing an extension to an existing chapel. 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/2596-D Application file: 13/AP/3694 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 1778 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Dipesh Patel, Team Leader - Major Applications	
Version	Final	
Dated	28 April 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance & corporate services	No	No
Strategic director, environment and leisure	Yes	Yes
Strategic director, housing and community services	No	No
Director of regeneration	No	No
Date final report sent to Constitutional Team	29 April 2015	

APPENDIX 1**Consultation undertaken****Site notice date:** 24/12/2013**Press notice date:** n/a**Case officer site visit date:** 27/06/2013**Neighbour consultation letters sent:** 23/12/2013**Internal services consulted:**

Environmental Protection Team [Noise / Air Quality / Land Contamination / Ventilation]
 Transport Planning Team

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

114 Parkway London NW1 7AN	297 Underhill Road London SE22 0AN
Flat B 142 Barry Road SE22 0HW	299 Underhill Road London SE22 0AN
Flat A 109 Barry Road SE22 0HW	293 Underhill Road London SE22 0AN
Flat B 109 Barry Road SE22 0HW	295 Underhill Road London SE22 0AN
Flat C 142 Barry Road SE22 0HW	The Coach House 109 Barry Road SE22 0HW
Flat A 136 Barry Road SE22 0HW	103 Barry Road London SE22 0HW
Flat B 136 Barry Road SE22 0HW	105 Barry Road London SE22 0HW
Flat A 130 Barry Road SE22 0HW	1 Poppy Mews London SE22 0EE
Flat B 130 Barry Road SE22 0HW	2 Poppy Mews London SE22 0EE
Flat 1 128 Barry Road SE22 0HW	3 Poppy Mews London SE22 0EE
Flat 2 128 Barry Road SE22 0HW	4 Poppy Mews London SE22 0EE
134a Barry Road London SE22 0HW	3 Victoria Close London SE22 0BF
134b Barry Road London SE22 0HW	4 Victoria Close London SE22 0BF
Flat 3 128 Barry Road SE22 0HW	1 Victoria Close London SE22 0BF
Flat A 140 Barry Road SE22 0HW	2 Victoria Close London SE22 0BF
Flat B 140 Barry Road SE22 0HW	3 Picketts Terrace Underhill Road SE22 9DX
Flat 4 128 Barry Road SE22 0HW	4 Picketts Terrace Underhill Road SE22 9DX
Flat 5 128 Barry Road SE22 0HW	1 Picketts Terrace Underhill Road SE22 9DX
Flat C 136 Barry Road SE22 0HW	2 Picketts Terrace Underhill Road SE22 9DX
Flat C 138 Barry Road SE22 0HW	5 Picketts Terrace Underhill Road SE22 9DX
First Floor And Second Floor Flat 115 Barry Road SE22 0HW	8 Picketts Terrace Underhill Road SE22 9DX
Flat A 138 Barry Road SE22 0HW	291 Underhill Road London SE22 0AN
Flat B 138 Barry Road SE22 0HW	6 Picketts Terrace Underhill Road SE22 9DX
First Floor Flat 132 Barry Road SE22 0HW	7 Picketts Terrace Underhill Road SE22 9DX
Ground Floor Flat 115 Barry Road SE22 0HW	5 Victoria Close London SE22 0BF
Garden Flat 132 Barry Road SE22 0HW	117 Barry Road London SE22 0HW
Flat A 117 Barry Road SE22 0HW	128a Barry Road London SE22 0HW
Flat B 117 Barry Road SE22 0HW	Flat C 109 Barry Road SE22 0HW
Flat A 111 Barry Road SE22 0HW	First Floor Flat 111 Barry Road SE22 0HW
Flat B 111 Barry Road SE22 0HW	6 Victoria Close London SE22 0BF
Flat C 117 Barry Road SE22 0HW	113 Barry Road London SE22 0HW
Flat A 119 Barry Road SE22 0HW	By Email
Flat B 119 Barry Road SE22 0HW	178 Barry Road London SE22
Flat D 117 Barry Road SE22 0HW	Via Email
Flat E 117 Barry Road SE22 0HW	The Coach House 109 Barry Road SE22 0HW

Re-consultation: n/a

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

None

Statutory and non-statutory organisations

None

Neighbours and local groups

By Email

Flat C 109 Barry Road SE22 0HW

Garden Flat 132 Barry Road SE22 0HW

1 Poppy Mews London SE22 0EE

103 Barry Road London SE22 0HW

105 Barry Road London SE22 0HW

1-8 Picketts Terrace 242 Underhill Road SE22 9DX

2 Poppy Mews London SE22 0EE

3 Poppy Mews London SE22 0EE

3 Poppy Mews London SE22 0EE

RECOMMENDATION

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

Applicant	Mr S. Boghurst	Reg. Number	13/AP/3694
Application Type	Full Planning Permission	Case Number	TP/2596-D
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing rear and front extensions and replacement with a new single storey extension to the rear and a part single storey and part two storey to the front

At: EAST DULWICH TABERNACLE CHURCH, 107 BARRY ROAD, LONDON, SE22 0HW

In accordance with application received on 24/10/2013

and Applicant's Drawing Nos. Design and Access Statement
Email detailing current activities dated 22 June 2013
List of attendees
Photographs

and drawings:

Location plan
EDT 1689/B page 1 of 2
Page 2 of 2
Untitled cross section showing a 45 degree line

Subject to the following six conditions:

Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:
 - EDT 1689/B page 1 of 2
 - Page 2 of 2
 - Untitled cross section showing a 45 degree line

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

- 2 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.

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

- 3 Prior to the commencement of works, details of a proposed Sustainable Urban Drainage System shall be submitted to the local planning authority for approval and the development must not commenced other than in accordance with any approval given. The SuDS hierarchy within the London Plan should be followed in the

development of the surface water drainage scheme, with a preference for SuDS measures that control surface water at source.

Reason: To minimise the potential for the site to contribute to surface water flooding in accordance with the National Planning Policy Framework 2012; Policy 5.13 Sustainable drainage of the London Plan 2015; Strategic policy 13 Environmental Impacts of the Core Strategy 2011; saved Policy 3.9 Water of the Southwark Plan and the Sustainable Design and Construction SPD 2009.

- 4
- 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. The phase 1 site investigation (desk study, site categorisation; sampling strategy etc.) shall be submitted to the Local Planning Authority for approval before the commencement of any intrusive investigations. The 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 would 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 that 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 measures identified in the approved remediation strategy, a verification report providing evidence that all work required by the remediation strategy has been completed shall be submitted to and approved in writing by the Local Planning Authority.
- d) In the event that 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.

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
- Prior to the commencement of above ground works, a scheme of sound insulation shall be submitted to and approved in writing by the local planning authority to ensure that the LFmax sound from amplified and non-amplified music and speech shall not exceed the lowest L90,5min 1m from the facade of the nearby residential premises at all third octave bands between 31.5Hz and 8kHz. The plant and equipment shall be installed and constructed in accordance with any such approval given and shall be permanently maintained thereafter and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises in accordance with the National Planning Policy Framework 2012, Policy 7.15 Reducing Noise and Enhancing Soundscapes of the London Plan 2015 Strategic Policy 13 High environmental standards' of the Core Strategy 2011 and saved Policy 3.2 Protection of Amenity of the Southwark Plan 2007.

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

- 6
- The doors on the southern and northern flank of the development hereby permitted shall not be used for access and egress except in the case of emergencies or for access to users requiring step free access.

Reason:

To ensure that the occupiers and users of the proposed development do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the commercial premises 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

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



Item No. 7.2	Classification: OPEN	Date: 12 May 2015	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Council's own development Application 14/AP/0558 for: Council's Own Development - Reg. 3 Address: THE LAKE, SOUTHWARK PARK, GOMM ROAD, LONDON SE16 Proposal: Installation of a 2.74m high bronze 'Family of Dolphins' sculpture and integral fountain in Southwark Park Lake.		
Ward(s) or groups affected:	Rotherhithe		
From:	Head of Development Management		
Application Start Date 14/01/2015		Application Expiry Date 11/03/2015	
Earliest Decision Date 25/04/2015		Target Decision Date 19/05/2015	

RECOMMENDATION

1. That the application is determined by members as it represents development affecting Metropolitan Open Land (MOL); that members consider whether the development meets the exception tests for small scale development within MOL; and if satisfied that the relevant tests are met, grant planning permission subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. Southwark Park is a grade II registered park and garden and was one of the earliest parks opened by the Metropolitan Board of Works in 1869. It includes London's first public memorial to a working class person, Mr Jabez West, who was a member of the local Temperance Society. A major refurbishment was undertaken in 2001 with funding from the Heritage Lottery Fund which included the installation of a bandstand. The site is not within a conservation area or within the vicinity of any other listed buildings or structures. The site is covered by the following planning designations:

- Site of nature conservation importance
- Air quality management area
- Metropolitan Open Land
- Canada Water Action Plan
- Grade II registered park and garden
- Flood risk zone

Details of proposal

3. The proposal is for the installation of a 'Family of Dolphins' sculpture and integral fountain within Southwark Park Lake. The sculpture is by the artist David Backhouse.

It is in bronze and is 2.74m high.

4. The work formerly stood within an ornamental pool within Surrey Quays Shopping Centre. The dolphin theme was arrived at as the shopping centre had a maritime theme; it has no other known direct correlation with the area. It has now been kindly gifted to Southwark Council.
5. Security is a significant determining factor behind the proposed location within Southwark Park lake, particularly given the spate of thefts of public art in Rotherhithe over the last few years (including the Alfred Salter statue, the Nature Girls and some of the farmyard animals on the Thames Path). Its location within the park where there is plenty of public activity at all times has been aimed at benefiting from a decent level of natural surveillance and its position within the lake in particular makes sense from the point of view of its intended function as a working fountain but also is considered to be a location sufficiently difficult to get to which, it is hoped will provide an effective deterrent to thieves.
6. The proposed location within Southwark Park lake has been chosen through a public consultation exercise with the local community whereby people were invited to suggest a suitable location within the Rotherhithe area for it to be re-installed. There were approximately 80 responses and the many suggestions were narrowed down to 3 possible options (Southwark Park lake, Globe Pond, Russia Dock Woodlands and Lavender Pond Nature Park and Reserve, Lavender Road).

Planning history

7. There are a number of planning applications for works in the park but none in the immediate vicinity of the site and no recent application in the wider vicinity of relevance to this application.

Planning history of adjoining sites

8. None of relevance to this application.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

9. The main issues to be considered in respect of this application are:
 - a) The principle of the development and its impact on Metropolitan Open Land
 - b) The impact of the development on the heritage significance of Southwark Park as a Grade II listed park.
 - c) The impact of the development on the amenity of local residents
 - d) The impact of the development on park users
 - e) Environmental impacts: biodiversity, flood risk, trees, etc.

Relevant planning policy

10. This scheme should be considered against the development plan as a whole, however the following NPPF sections and development plan policies are considered to be particularly relevant:

National Planning Policy Framework (Published 27 March 2012)

Section 7: Requiring good design

Section 11: Conserving and enhancing the natural environment

Section 12: Conserving and enhancing the historic environment

The London Plan (Adopted 22 July 2011 – Consolidation with alterations adopted on 10 March 2015)

Policy 7.4 Local character

Policy 7.5 Public realm

Policy 7.6 Architecture

Policy 7.8 Heritage assets and archaeology

Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Policy 7.17 Metropolitan open land

Policy 7.19 Biodiversity and access to nature

Southwark Core Strategy (Adopted 6 April 2011)

Strategic Policy 11 - Open Spaces and Wildlife

Strategic Policy 12 - Design and Conservation

Strategic Policy 13 - High Environmental Standards

Southwark Plan (Adopted 28 July 2007 - Saved Policies)

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

Saved Policy 3.1 Environmental effects

Saved Policy 3.2 Protection of Amenity

Saved Policy 3.12 Quality in Design

Saved Policy 3.15 Conservation of the Historic Environment

Saved Policy 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage

Saved Policy 3.25 Metropolitan Open land

Saved Policy 3.28 Biodiversity

The principle of the development and its impact on Metropolitan Open Land

11. Southwark Park is afforded a significant degree of protection in planning terms as a result of its designation as Metropolitan Open Land (MOL).
12. Paragraphs 79-92 of the Framework on green belts apply equally to MOL. Paragraph 89 of the Framework states that the construction of new buildings should be regarded as inappropriate on green belt apart from certain exceptions.
13. In addition, there are broadly similar, overlapping policies in the London Plan (2015), the Southwark Core Strategy (2011) and the Southwark Plan (2007) which strongly resist the building of inappropriate developments on MOL.
14. Policy 7.17 (Metropolitan Open Land) of the London Plan (2015) states,

'The strongest protection should be given to London's Metropolitan Open Land and inappropriate development refused, except in very special circumstances, giving the

same level of protection as in the Green Belt. Essential ancillary facilities for appropriate uses will only be acceptable where they maintain the openness of MOL.'

15. The supporting text to policy 7.17 of the London Plan (2015) provides the following useful definition of appropriate development. It states that appropriate development should be limited to small scale structures to support outdoor open space uses and minimise any adverse impact on the openness of MOL.
16. Strategic policy 11 (Open spaces and wildlife) of the Southwark Core Strategy (2011) advises that,

'The council's aim is to protect large spaces of importance to all of London (Metropolitan Open Land) as well as smaller spaces of more borough-wide and local importance (Borough Open Land and Other Open Spaces). It advises that MOL has the highest level of protection and these spaces must be kept open in nature with development only in exceptional cases.'
17. Saved policy 3.25 of the Southwark Unitary Development Plan (2007) states that,

'Planning permission will only be granted for essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of MOL and which do not conflict with the purposes of including land within MOL.'
18. However, the proposal needs to be placed within its context. It is not a building, rather a piece of public art on a very modest scale which is intended to add to the park's visual interest and which, it is considered, would have a negligible impact on its openness. As such, while it still represents development of a sort within the MOL, officers are satisfied that it would have no adverse impact on the open character of the park / MOL.
19. The principle of this development is therefore considered to comply with the relevant policies on MOL in the National Planning Policy Framework and the Development Plan for the borough, consisting of the London Plan (2015), the Southwark Core Strategy (2011) and the saved Southwark Plan (2007).

The impact of the development on the heritage significance of Southwark Park as a Grade II listed park

20. The historic significance of the park lies in its layout and historic features such as the several entrance gates; the drinking fountain which is the memorial to Jabez West; the Ada Salter Gardens and the lake.
21. Whilst the sculpture/fountain is not of any particular relevance to the history of the area (apart from its general maritime theme) it is inoffensive, celebrating the natural world and would therefore not be visually jarring set, as it would be, within this ornamental park lake.
22. Its weathered bronze finish and modest scale would also ensure that it blends in with the natural colours found in the park and will not be visually obtrusive.

The impact of the development on the amenity of local residents

23. None envisaged.

The impact of the development on park users

24. It is considered that the sculpture/fountain would enhance users experience of the park, providing a point of visual interest for adults and children alike. If the water fountain can be made to work (there is currently some doubt about this), it would also improve and enhance the acoustic environment in the park (which London Plan policy 7.15 encourages), important for the well-being of all and particularly beneficial for seeing-impaired persons. However, officers consider that the lack of a working fountain would not be sufficient reason to refuse the application as the sculpture itself would still be considered an enhancement to the park without it.

The impact on biodiversity and flood risk

25. The ecology officer has welcomed the proposal and has noted that the fountain (if made to work) would help to aerate the water in the lake and so benefit the wildlife that live within it. Concerns about the potential for the installation works to disturb nesting birds and waterfowl would be addressed by imposing a condition to require the installation of the sculpture to only take place outside of the bird nesting season (1 September – 1 March). It is considered that there is no impact arising in terms of flood risk.

Impact on trees

26. None.

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

27. Planning obligations are sought to mitigate specified negative impacts of development which is in other respects acceptable. As there are no negative impacts to be mitigated and given the small scale nature of the proposal, there is no requirement to secure any planning obligations. The works themselves would provide an enhancement to a community facility and result in benefits for the local area and the wider community.
28. There is no proposed change of use or any increase in floorspace. As such, the scheme would not attract a payment under either the Mayoral CIL or the Southwark CIL.

Conclusion on planning issues

29. The proposal would not significantly affect the openness of Metropolitan Open Land, would not adversely affect the park's heritage significance, the amenity of local residents or local biodiversity. It is considered that it would be a positive addition to the park that would visually and aurally enhance the enjoyment of the park for all users. The application is therefore recommended that planning permission is granted subject to condition.

Community impact statement

30. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. No adverse impact on any group with the protected characteristics identified above is expected.

Consultation

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

Consultation responses

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

Summary of consultation responses

33. Ecology Officer: No concerns regarding ecology. Indeed the fountain aspect of the sculpture should benefit the ecology of the lake by aerating the water. The only comment is that installation should be undertaken outside nesting season (ideally between 1 September - 1 March).
34. Parks and Open Spaces Team: Confirm that they are very much in favour of adding this feature to the lake in Southwark Park. However, as the existing fountain has very little water pressure. The Parks and Open Spaces Team would be very disappointed if the sculpture were to be installed without its fountain working.
35. Friends of Southwark Park: Support the proposal

Human rights implications

36. 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.
37. This application has the legitimate aim of seeking to re-install a piece of public art within the borough. 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/139-G Application file: 14/AP/0558 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 1778 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Ciaran Regan, Planning Officer	
Version	Final	
Dated	28 April 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance & 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		29 April 2015

Consultation undertaken

Site notice date: 03/02/2015

Press notice date: 02/04/2015

Case officer site visit date: 03/02/2015

Neighbour consultation letters sent: 03/03/2015

Internal services consulted:

Parks & Open Spaces

Statutory and non-statutory organisations consulted:

Garden History Society
The Victorian Society

Neighbour and local groups consulted:

Friends of Southwark Park

Re-consultation: n/a

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

None

Statutory and non-statutory organisations

None

Neighbours and local groups

Friends of Southwark Park

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	Ms R. Roe Southwark Council	Reg. Number	14/AP/0558
Application Type	Council's Own Development - Reg. 3	Case Number	TP/139-G
Recommendation	Grant permission		

Draft of Decision Notice

Permission was GRANTED, subject to the conditions and reasons stated in the Schedule below, for the following development:

Installation of a 2.74m high bronze 'Family of Dolphins' sculpture and integral fountain in Southwark Park Lake.

At: THE LAKE, SOUTHWARK PARK, GOMM ROAD, LONDON SE16

In accordance with application received on 20/02/2014 08:00:31

and Applicant's Drawing Nos. 001 (Position of sculpture within Southwark Park lake)

Subject to the following three 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: 001 (Position of sculpture within Southwark Park lake)

Reason:

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

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.

- 3 The sculpture/fountain hereby permitted shall only be installed outside of the bird-nesting season (i.e., installation between 1st September and 1st March of the following year).

Reason:

To ensure that the installation of the sculpture will not disturb nesting birds and so protects and enhances biodiversity in accordance with Section 11 of the National Planning Policy Framework (2012), policy 7.19 (Biodiversity and access to nature) of the London Plan (2015), strategic policy 11 (Open spaces and wildlife) of the Southwark Core Strategy (2011) and saved policy 3.28 (Biodiversity) of the Southwark Unitary Development Plan (2007).

Statement of positive and proactive action in dealing with the application

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

The local planning authority delivered the decision in a timely manner.

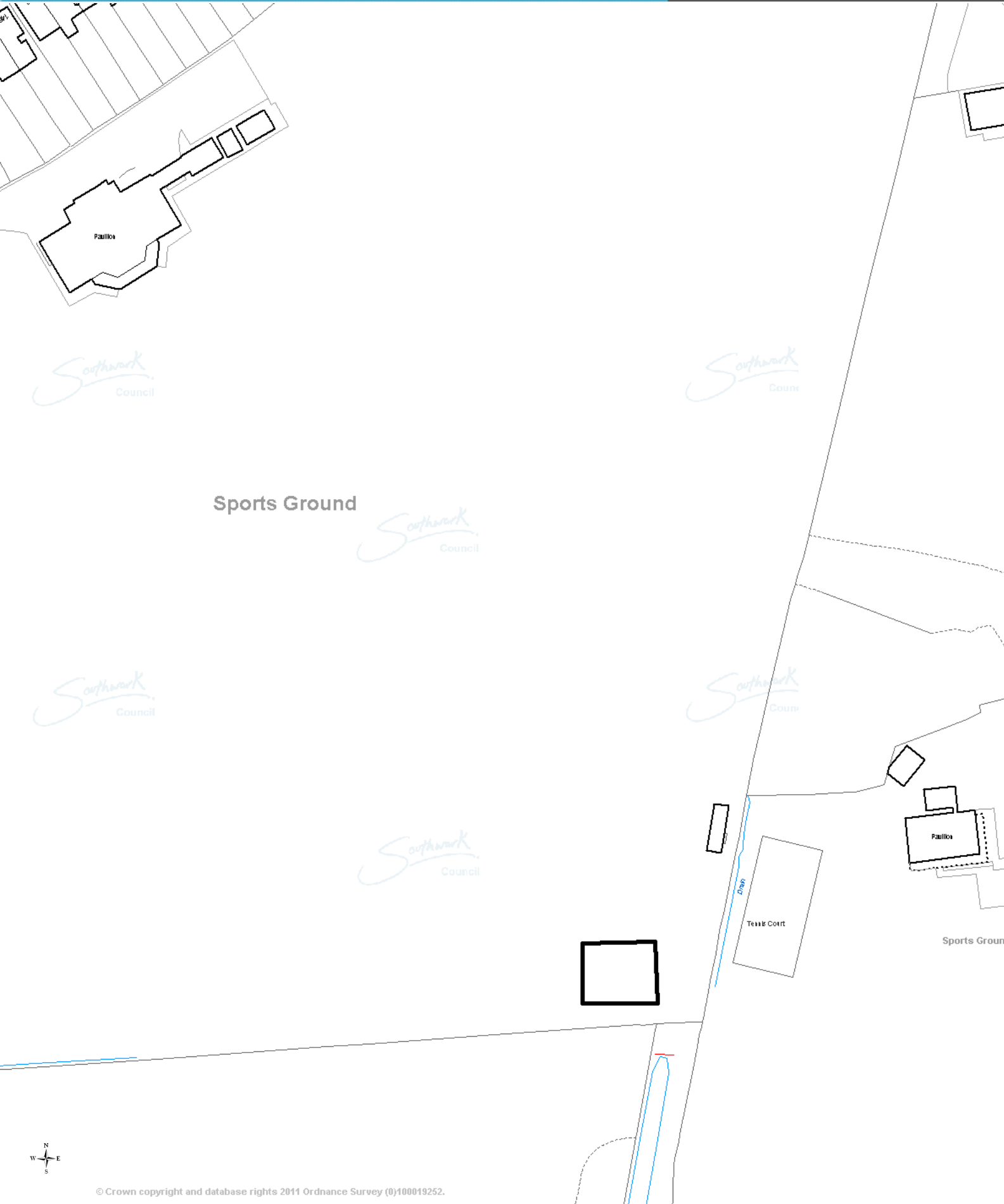
Informative

- 1 The applicant should ensure that the contractor tasked to undertake the installation of the sculpture on behalf of

the Council is fully aware of the need to ensure the safety of park users at all times during the works whilst simultaneously minimising disruption to park users and that their agreement to abide by the Council's Environmental Code of Construction Practice (January 2001) has been obtained in writing before the commencement of the works.

Ordnance Survey

Date 29/4/2015



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Item No. 7.3	Classification: OPEN	Date: 12 May 2015	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 15/AP/0542 for: Full Planning Permission Address: TRANSMITTER MAST 31867, DULWICH SPORT GROUND, 102-106 TURNEY ROAD, LONDON SE21 7JH Proposal: Upgrade to existing radio base station consisting of the removal of three of the existing 6 antennas on the existing replica cypress tree telecommunications mast and removal of one equipment cabinet; Installation of three replacement antennas, one replacement equipment cabinet and ancillary development		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date	16/02/2015	Application Expiry Date	13/04/2015
Earliest Decision Date	21/03/2015		

RECOMMENDATION

1. That the Planning Sub-Committee consider the application as it represents development on Metropolitan Open Land (MOL); and that planning permission is granted subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The subject site is located centrally within a large area of open space, park and sport grounds. More specifically, an area containing Belair Park which occupies the southern portion of this area, the Dulwich Estate owned Southbank University Sports Grounds to the north-eastern portion, and the Dulwich College Preparatory School Sports Grounds to the north-western portion.
3. This entire area is classified as Metropolitan Open Land, and the area alongside the rail line is also classified as a site of importance for nature conservation.
4. There are two listed buildings to the east and south of the site: namely the Dulwich Picture Gallery (Grade II* listed), and Dulwich Old College (Grade II listed).
5. The application site is located within the Dulwich Village conservation area, which is large and varied. The southern half predominantly consists of open areas of parkland and playing fields, and low density housing. The northern part of the conservation area consists predominantly of 19th century terraced housing and some open areas.
6. The existing telecommunications antenna is located within the Southbank University Sports Grounds, near the boundaries with the Dulwich College Preparatory School Sports Grounds and Belair Park.

7. The park and both Sports Grounds generally contain larger areas of open space in use for active and passive recreation. Depending on the season, this can include cricket pitches and football fields. The area contains stands of fairly mature vegetation and there is also a lake located near the centre of Belair Park.

Details of proposal

8. The proposed development relates to the upgrade of an existing radio base station consisting of the removal of three of the six existing antennas and one equipment cabinet. Installation of 3 x replacement antennas and one equipment cabinet and ancillary development thereto.
9. The replacement antennas will be located in exactly the same position as the existing antennas which are proposed to be removed. They will have the same top height at 17.4m and will be 0.4m shorter than the antennas which are proposed to be removed an underside height of 15.4m. The underside height will be the same as those antennas which are retained.
10. The replacement antennas will have a similar appearance and design and will be coloured green to match the existing antennas in situ.
11. The development as this location also includes the installation of 1 x replacement equipment cabinet measuring 1300mm x 700mm x 1450mm. The replacement cabinet will be located in the same position as the exiting cabinet (dimensions 1300mm x 900mm x 1610mm) which is proposed to be removed in the north east corner of the site. As such, the replacement cabinet will be smaller than the existing cabinet which is proposed to be removed. A green finish is proposed for the antennas to match the exiting antennas and cabinets.
12. The replacement antennas will continue to be camouflaged in a stealth design of the mock cypress tree and the overall height of the antennas will remain the same. However, they will be slightly bigger in order to accommodate the high data rate 4G antennas.

Planning history

13. The following planning history is relevant in regard to this application:

<p>11/EQ/0071 Application type: Pre-Application Enquiry (ENQ) Replace 3 existing antennas with 3 new ones and additional cabinet on the existing concrete base. Decision date 06/06/2011 Decision: Pre-application enquiry closed (EQC)</p>

<p>11/AP/3034 Application type: Full Planning Permission (FUL) Replacement of 6 Vodafone antennas on existing tree mast with 3 x O2 antenna and 3 x Vodafone antennas plus 1 x O2 cabinet. Decision date 29/11/2011 Decision: Granted (GRA)</p>

Other relevant planning history

14. SOUTH BANK UNIVERSITY SPORTS GROUND, OFF TURNEY ROAD, LONDON, SE21 7JH
 07/AP/0861 Application type: Full Planning Permission (FUL)
 Installation of an 18m replica cypress tree telecommunications mast to include antennas and associated ancillary development

Decision date 19/06/2007 Decision: Refused
 Appeal Ref: APP/A5840/A/07/2051081 Appeal Decision/Date: Allowed 25/04/2008

KEY ISSUES FOR CONSIDERATION

Summary of main issues

15. The main issues to be considered in respect of this application are:
- a) the principle of development
 - b) the impact on the amenity of surrounding occupiers
 - c) design and conservation issues including the impact on the setting of nearby listed buildings
 - d) any other issues

Planning policy

16. The following policy framework statements, development plan policies, and planning guidance are particularly relevant in determining this application:

National Planning Policy Framework (the Framework)

5. Supporting high quality communications infrastructure
7. Requiring good design
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

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

- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.8 Heritage assets and archaeology
- Policy 7.17 Metropolitan open land

Core Strategy 2011

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

Southwark Plan 2007 (July) - saved policies

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

- Policy 3.12 Quality in Design
- Policy 3.13 Urban Design
- Policy 3.15 Conservation of the Historic Environment
- Policy 3.16 Conservation Areas
- Policy 3.18 Setting of listed buildings, conservation areas and world heritage sites
- Policy 3.2 Protection of Amenity

Policy 3.24 Telecommunications
 Policy 3.25 Metropolitan Open Land (MOL)

Principle of development

17. The principle of telecommunication equipment is viewed in the context of the council policy and on a case by case basis. It would not normally be acceptable to encourage this type of development within a conservation area or in an area of protected open space. A material consideration is the previous allowed appeal (LPA ref: 07/AP/0861 and PINS ref: APP/A5840/A/07/2051081) on this site for an 18m replica tree mast. This current application seeks to remove and replace the existing antennas with alternatives. This does not increase the height nor does it alter the physical appearance of the replica tree mast. The only noticeable change is the addition of a small equipment cabinet located close to the base of the replica tree.
18. The application site lies within MOL. Strategic Policy 11 'Open Spaces and Wildlife' and Policy 3.25 'Metropolitan Open Land' seeks to protect important open spaces from inappropriate development, or from development that detracts from its open space character and function.
19. In this case the majority of the development is existing. The replacement of the antennas and equipment cabinet will not lead to any greater impacts on the openness of the land than already exist.
20. In terms of the technical justification for the replacement masts, the applicants have submitted details of how the proposed replacement mast should improve service in the immediate area. This is accepted. An ICNIRP certificate has also been provided.
21. Government advice on dealing with telecommunications equipment in section 5 of the NPPF is that local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband. No objections have been raised to the equipment. As such, the principle of equipment on this area of land is acceptable. However, the application is subject to other considerations as set out below.

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

22. It is not considered that the proposed replacement antenna nor the cabinet would materially impact the amenity of the surrounding occupiers over and above that existing. The equipment is set very well away from any neighbours and will continue to be camouflaged in a stealth design of the mock cypress tree.

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

23. None envisaged.

Transport issues

24. No additional traffic issues are raised by this application. Maintenance procedures are likely to be the same and should not result in a material increase in traffic volumes along Turney Road.

Design issues and impact on character and setting of a listed building and/or conservation area

25. The overall appearance of the mast and the equipment cabinet will be the same. There will be an additional cabinet within the area of the mast. The replacement cabinet will be smaller than the existing cabinet which is proposed to be removed. The replacement antennas will continue to be camouflaged in a stealth design of the mock cypress tree and the overall height of the antennas will remain the same. However, the antennas will be slightly bigger in order to accommodate the high data rate 4G antennas. This is not considered to have a large visual impact on the proposal.
26. The existing planting also helps shield this equipment from view. As such, the visual impact of the proposal is minimal and it will not have a harmful impact on the character and appearance of the Dulwich Village conservation area nor will it impact on the setting of the nearby listed buildings.
27. The proposal is considered acceptable in regard to its design and neutral in impact on the character of the conservation area.

Impact on trees

28. There will no impact on trees.

Conclusion on planning issues

29. It is recommended given the considerations as set out above that the application be granted planning permission subject to conditions.

Community impact statement

30. 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. There is no impact on any particular group or community.

Consultations

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

Consultation replies

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

Summary of consultation responses

None received.

Human rights implications

33. 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.

34. This application has the legitimate aim of providing replacement antennae and an addition cabinet. 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

35. None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2546-B Application file: 15/AP/0542 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5451 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Neil Loubser, Planning Officer	
Version	Final	
Dated	28 April 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance & 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	29 April 2015	

APPENDIX 1**Consultation undertaken**

Site notice date: 25/02/2015

Press notice date: 26/02/2015

Case officer site visit date: n/a

Neighbour consultation letters sent: 24/02/2015

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

Dulwich Sport Ground 102-106 Turney Road SE21 7JH
Hollington Club Rear Of 123 To 125 Burbage Road SE24 9HD

The Flat Dulwich Sport Ground SE21 7JH
5 Gallery Road London SE21 7AD

Re-consultation: n/a

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

None

Statutory and non-statutory organisations

None

Neighbours and local groups

None

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	Cornerstone Telecommunications Infrastructure Ltd (CTIL) & Vodafone Ltd	Reg. Number	15/AP/0542
Application Type	Full Planning Permission	Case Number	TP/2546-B
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Upgrade to existing radio base station consisting of the removal of three of the existing 6 antennas on the existing replica cypress tree telecommunications mast and removal of one equipment cabinet; Installation of three replacement antennas, one replacement equipment cabinet and ancillary development

At: TRANSMITTER MAST 31867, DULWICH SPORT GROUND, 102-106 TURNEY ROAD, SE21 7JH

In accordance with application received on 11/02/2015

and Applicant's Drawing Nos. 100 Rev. A; 200 Rev. A; 201 Rev. A; 300 Rev. A; 301 Rev. A
Supporting technical information

Subject to the following two conditions:

Time limit for implementing this permission and the approved plans

- 1 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 201 Rev. A; 301 Rev. A

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

- 2 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.

Statement of positive and proactive action in dealing with the application

The Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Ordnance Survey

Date 29/4/2015



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Item No. 6.4	Classification: OPEN	Date: 12 May 2015	Meeting Name: Planning Sub-Committee A
Report title:	Development Management planning application: Application 14/AP/4259 for: S.73 Vary/remove conds/minor alterations Address: 190 SOUTHAMPTON WAY, LONDON SE5 7EU Proposal: Variation of condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays to allow opening: 07:00 to 19:00 on Monday to Friday and 09:00 to 16:00 on Saturday, Sundays and Bank Holidays.		
Ward(s) or groups affected:	Brunswick Park		
From:	Head of Development Management		
Application Start Date 27/11/2014		Application Expiry Date 22/01/2015	
Earliest Decision Date 20/12/2014			

RECOMMENDATION

1. That the Planning Sub-Committee consider the application at the request of two members with the agreement of the chair of Planning Committee; and that planning permission is granted subject to conditions.

BACKGROUND INFORMATION

Site location and description

2. The application site is a two-storey semi-detached property with single storey rear extension located on the south side of Southampton Way. The property is being used as a children's day nursery which caters for approximately 20 children aged 3 months - 4 years old and it has the opening hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays.
3. To the west of the property is a vacant site owned by Family Mosaic that has been granted planning permission for housing development under ref: 14/AP/0764 and to the east is a row of residential properties. To the north are a row of two storey properties that comprise a mix of commercial properties on the ground floor with residential above. To the south of the site is Melbury Drive that comprises a cul-de-sac of residential dwellings with a car park directly to the south of the site. The car park is not for private use.
4. The application property is not located within a conservation area. However it is a Grade II listed building and is part of a group including Nos. 192 and 194 Southampton Way.

5. In July 2004 planning permission was granted by the Camberwell Community Council for a change of use of the ground floor of the single family dwelling house to provide a children's day nursery for under 2s for a temporary period of one year.
6. In September 2005 planning permission was granted by community council members for a continued use of the ground floor of the single family dwelling house as a day nursery for children aged 3 months to 4 years and increase the number of children from 12 to 20 for a temporary period of one year. Subsequent to this, under ref. 08AP1376, permission was granted on appeal for the entire property to be used as a children's day nursery, subject to conditions. One of these conditions, condition 3, stipulated that the hours of operation for the nursery were to be 0800 to 1800 Monday to Friday with no operation on Saturday, Sunday and Bank Holiday.

Details of proposal

7. This application is seeking planning permission for "Variation of Condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays: to allow opening hours from 07:00 to 19:00 on Monday to Friday and 09:00 to 16:00 on Saturday, Sundays and Bank Holidays." The applicant advises that this is to enable the nursery to respond to increased demand for child care at weekends and Bank Holidays, due to increased flexible working from parents.
8. Planning history

04-AP-0320 Temporary planning permission was granted in July 2004 for the change of use of ground floor of single family dwellinghouse to provide a children's day nursery for under 2s.
04-AP-1665 Planning permission was granted in Jan 2005 for the installation of 1.8m high gate to provide new pedestrian access into Melbury Drive in connection with use of ground floor of building as a nursery.
05-AP-0725 Planning permission granted for continued use of ground floor as a day nursery for children age 3 months to 4 years and increase in number of children from 12-20.
06/AP/0976 Application type: Full Planning Permission (FUL) Continued use of the ground floor as a day nursery for 20 children aged 3 months to 4 years Decision date 28/11/2006 Decision: Granted (GRA)
08/AP/1376 Application type: Full Planning Permission (FUL) <i>Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery.</i> Decision date 23/12/2008 Decision: Refused (REF) Appeal decision date: 17/11/2009 Appeal decision: Planning appeal allowed (ALL) Reason(s) for refusal: <i>1. The proposal will result in the loss of a three bedroom residential unit of which there is a significant need for in the Borough. The proposal is therefore contrary to Policy 4.6 'Loss of Residential Accommodation' of The Southwark Plan July 2007.</i>

The appeal lodged against the refusal of a planning permission under ref: 08/AP/136 was allowed subject to following five conditions:

1. The development hereby permitted shall begin not later than three years from the date of this decision.

2. The use hereby permitted shall not begin until an evaluation of the potential for noise transmission has been carried out and full particulars and details of any measures necessary to insulate the premises against the transmission of airborne and impact sound have been submitted to and approved in writing by the Local planning Authority. The development shall not be carried out otherwise than in accordance with the approved scheme.

3. The use hereby permitted shall not be carried out outside the hours of 0800 to 1800 Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays.

4. Notwithstanding the provisions of the Part D of the Town and Country Planning (Use Classes) Order and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendments or enactment of those Orders) the use hereby permitted shall not include any use within Class D1 other than a children's day nursery.

5. The use of the first floor as an extension to the ground floor day nursery shall not commence before details of the arrangements for the storing of refuse have been submitted to and approved in writing by the Local Planning Authority and the facilities approved have been provided and available for use by the occupiers and users of the premises. The facilities shall thereafter be retained for refuse storage and for no other purpose.

07/EN/0329 Enforcement type: Unauthorised building works (UBW)
Erection of a large orange type porta-cabin in garden, roof above garden wall
Sign-off date 10/12/2009 Sign-off reason: Final closure - no breach of control (FCNB)

Planning history of adjoining sites

9. 184-188 Southampton Way/5A Havil Street SE5 7EU located to the west of the application site

14/AP/0764 – Erection two new buildings, the first fronting on Havil Street being up to five storeys in height, with the second fronting onto Southampton Way and being up to four storeys in height together comprising 24 residential units (10 x 1 bed, 11 x 2 bed and 3 x 3 bed) with associated balconies and terraces, wider landscaping and cycle / refuse stores” Was granted subject to Section 106 Agreement.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

10. The main issues to be considered in respect of this application are:
- a] Impact of proposed development on amenity of adjoining occupiers
 - b] Traffic issues

Planning policy

11. The committee should give full regard to the development plan in taking a decision, however, the following framework, policies and guidance are particularly relevant to this application:

National Planning Policy Framework (the Framework) 2012

The following "Core Planning Principles" of the NPPF are relevant to the proposal:

- always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings
- contribute to conserving and enhancing the natural environment and reducing pollution.

London Plan - consolidated with alterations March 2015

Policy 3.18 Education Facilities

Core Strategy 2011

Strategic Policy 2 – Sustainable transport

Strategic Policy 4 - Places for learning, enjoyment and healthy lifestyles

Strategic Policy 13 - High Environmental Standards

Southwark Plan 2007 (July) - saved policies

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

SP9 - Meeting community needs

SP10 - Development impacts

2.2 - Provision of new community facilities

3.2 - Protection of amenity

5.2 - Transport impacts

5.3 - Walking and cycling

Principle of development

12. The principle of development has been established as the use of all of the existing premises as a day nursery (Use Class D1) was granted under previous planning permission ref: 08/AP/1376. The only changes sought here are for longer opening hours, as such there are no land use changes. The nursery falls within the D1 planning use class and therefore can be considered to be a 'community facility'. There is support for the enhancement of community facilities in Strategic Policy 4 of the Core Strategy, and this proposal seeks to provide greater flexibility for parents in providing increased hours of operation during the week, and weekend and bank holiday operation for the first time. However, it is important that this is considered alongside the requirement to protect amenity and conditions of highway safety. This assessment is set out below.

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

13. The application property forms part of a group with Nos. 192 and 194 Southampton Way to the east which are also two-storey Grade II listed, and are in residential use. A vacant site (No. 184-188 Southampton Way/5A Havil Street) owned by Family Mosaic is located to the west of the application site and it has been granted planning permission for housing development under ref: 14/AP/0764 which is imminently to start. To the south of the application site is Melbury Drive that comprises a cul-de-sac of residential dwellings with a car park directly to the south of the site. To the north of the application site (i.e. across the road) lies two storey residential properties including those containing commercial units on the ground floor.
14. The application is proposing extension of the opening hours of existing day nursery use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays: to allow opening hours from 07:00 to 19:00 on Monday to Friday and 09:00 to 16:00 on Saturday, Sundays and Bank Holidays.
15. Given that the application property is surrounded by residential properties on the east and south and will have new residential properties built close to the western boundary, additional noise from the proposed extension of operating hours needs to be carefully considered. The front of the site is already relatively noisy given that Southampton Way is a fairly busy road throughout the day. However, the rear of the site is quieter as here the application site faces various residential properties, and it is here that the main outside play area for the children is located. Therefore, it is considered that the play times give rise to the greatest impact on neighbours' amenity. The proposed extension of opening hours from 07:00 to 19:00 from Monday to Friday would result in the existing day nursery opening 1 hour earlier in the morning (i.e. at 7am) and closing 1 hour later in the evening (i.e. 7pm). The earlier opening hour (i.e. 7am) is considered to be acceptable, as most people are considered to be waking/active at this time on weekdays. The later closing time of the day nursery (i.e. 7pm) is also considered to be acceptable as this does not extend too far into the quieter evening hours. Furthermore, it is not anticipated that there will be much outside play from the children during this additional hour in the morning and evening, and the nursery would not be at capacity during these hours as some children will be dropped off later in the morning and indeed picked up earlier in the evening.
16. However, the extension of operating time of the day nursery from 09:00 to 16:00 on Saturday, Sundays and Bank Holidays causes concern. This is because residents will, quite reasonably, have a greater expectation of peace and quiet at weekends and Bank Holidays. Furthermore, at certain stages during these days the children will clearly need to be provided with play time, which will inevitably result in increased noise and potential disturbance at the rear of the property, and to a lesser extent at the front, which it is considered will have a significant impact on neighbours' amenity as they are more likely to be at home during this time, and to have an expectation of greater peace and quiet during these times. The applicant has therefore been advised by officers that the full variation of hours sought, including weekend and Bank Holiday operation, could not be recommended.
17. Having been advised of this concern, the applicants suggested varying the condition to allow the longer weekday hours and only Saturday operation. They also indicated they could work within a condition which limited play to 60 - 90 minutes during the middle of the day on Saturdays.
18. This proposed revision has been carefully considered. However, it is considered that a restrictive condition limiting play time to 60-90 minutes would be too onerous and difficult for the applicants to manage - given that the nursery accommodates young children - it would be difficult for the Council to monitor, and in any case when windows are open in the nursery (especially during summer months) noise from the nursery will still impact on neighbouring residential occupiers to the detriment of their

amenity. Therefore Saturday opening hours for the nursery can not be supported.

19. From an amenity viewpoint it is considered, therefore, that only a variation of the condition to allow the longer hours sought during weekdays would be acceptable in this context.

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

20. The neighbouring uses are predominantly residential and therefore will have an expectation of a reasonable level of amenity. Varying the condition to allow only the extended weekday hours is considered to have an acceptable impact on the amenity of neighbouring occupiers, and therefore should not give rise to sustainable complaints from these neighbours which could undermine the ongoing operation of the nursery in this location.

Transport issues

21. The applicant has advised that the proposal for extension of the opening hours of the existing day nursery would not result in an increase in the number of children attending the day nursery. It is also confirmed that at present the majority of children to the day nursery are dropped off and picked up by their parents who use either public transport or arrive on foot as they reside within close proximity to the nursery.

Car parking

22. According to condition 3 of the previous planning permission ref: 06/AP/0979, the frontage curtilage of the application property shall not be used as a forecourt for parents dropping off children by car and the existing gate shall remain shut during the school day to preclude such a practice, to prevent traffic and pedestrian congestion in the interest of highway safety.
23. The application property at present has a vehicular access to its frontage which is hardsurfaced and therefore it is capable of providing off-street car parking for 1 or 2 cars. However, the existing frontage of the nursery has play equipment and is gated and therefore it does not appear to be used for providing off-street car parking.
24. Accordingly, vehicle drop off will need to be on-street. However, it is important to take into account that on-street drop off is an existing and long established situation with this nursery. The number of children attending the nursery are not forecast to significantly increase as a result of this extension of hours, indeed the longer hours should spread arrival/departure times. Moreover, the levels of road traffic on Southampton Way will generally be rather lower during 7- 8am and 6 - 7pm than they would be in the morning and evening peaks. For these reasons on-street vehicle drop offs during the additional hour in the morning and evening are not considered to materially impact on conditions of pedestrian or highway safety.

Cycle storage

25. The existing day nursery has no cycle parking/storage provision. It is not proposed to significantly increase the number of children attending the nursery as a result of this variation in hours and therefore the number of staff and parents at the site/dropping off should not materially change. For this reason it is not considered reasonable or necessary to impose a condition securing cycle parking as part of this recommendation.

Refuse and recycling storage

26. The application contains no plans and there is no information provided in respect of existing and proposed refuse and recycling bin storage.
27. It is noted in the previous appeal decision of 08/AP/1376 that condition 5 required the applicant to submit details of the arrangements for the storing of refuse to the Local Planning Authority prior to the nursery use commencing on the first floor of the application site. However, as no details were submitted to discharge this condition, this requirement is re-imposed as part of this recommendation.

Trip generation/ Highway impact

28. An assessment of additional trips has not been undertaken. It can be assumed that travel patterns will be similar to the existing given the comments from the applicants that they do not intend to significantly expand their numbers as a result of this variation in hours. In the circumstances therefore this is not considered to be a cause of concern.

Travel plan

29. A travel plan was not required under the previous permissions at this site. In the circumstances as the recommendation is only to vary the condition to allow one additional hour in both the morning and evening, it is not considered necessary or reasonable to impose a travel plan condition in this situation.

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

30. The proposal does not give rise to any design issues as the application proposal only relates to extension of the operating hours of the existing day nursery which is restricted by condition 3 of the appeal decision relating to the previous planning application ref: 08/AP/1376.

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

31. The application property is not located within Conservation Area. However it is a Grade II listed building and is part of a group including neighbouring Nos. 192 and 194 Southampton Way.
32. As mentioned in the above paragraph, the application relates to extension of the opening hours of the existing day nursery with no alterations proposed to the building. Given this, there are no material considerations relating to the listed building, or those adjacent, arising out of the application

Sustainable development implications

33. The site is situated in an established residential area with some local transport provision. The proposal will increase the hours of operation which will enable greater flexibility for parents in terms of hours of drop off and pick up. The nursery can be considered to be a 'community facility' and, as mentioned above, there is support for community facilities in Development Plan policy, particularly in sustainable and accessible locations, provided that this is balanced against the need to consider impacts on local amenity.

Other matters

34. 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 and Southwark 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, while Southwark's CIL will provide for infrastructure that supports growth in Southwark. The application is not CIL liable because it is not constituted as chargeable development under the CIL Regulations 2010 (as amended).

Conclusion on planning issues

35. For the reasons set out above, the nursery does not raise land use issues as it is an existing use. Moreover, it is important to recognise that there is support in Development Plan policies for enhanced community facilities. However, this needs to be weighed against the need to protect neighbours' amenity and conditions of highway safety. Given the context of the site, with the close proximity of neighbouring residential properties, a situation that will increase with the development of the consented scheme immediately to the west of the site, there is concern that weekend and Bank Holiday operation will cause an undue impact on neighbours' amenity. Indeed, Saturday operation would cause an undue impact as it is not considered to be reasonable or enforceable to impose a condition restricting hours of play time. However, for the reasons set out above, an additional hour in the morning and evening during weekdays would not have an unacceptable impact on neighbours' amenity. Varying the existing hours condition to allow only the additional hours on weekdays would also not materially alter conditions of highway safety. The proposal is therefore recommended for approval with the hours of operation condition varied to allow 07:00 to 19:00 operation Monday to Friday, but retaining the restriction on weekend and Bank Holiday operation.

Community impact statement

36. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process.
- a) The impact on local people is set out above.

Consultations

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

Consultation replies

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

Summary of consultation responses

Neighbours Consultation:

In total 5 responses have been received following consultation of the proposal. Of which 4 responses are in support of this application saying that the application proposal would meet their required need for their child care provision while they go to work. However, one response received raises objection to the proposal on the

following grounds:

"The previous planning application, 08/AP/1376, for change of use from first floor residential to extend the existing ground floor nursery, was refused by Southwark but passed on appeal with the condition that 'the use permitted shall not be carried out outside the hours of 0800 to 1800 Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays.' This condition is stated as 'reasonable and necessary to safeguard the living conditions for nearby occupiers.' (Appeal Decision Ref: APP/A5840/A/09/2100924) Residents can see no reason why this condition should not still apply. With the forthcoming large residential development immediately to the west of the nursery, there would be many more people affected.

Working at home with windows facing the nursery, residents are only too aware of the noise generated by the children in the outdoor play area. Although over the years residents have become resigned to this during the week, it can be extremely unpleasant - and with the addition of loud rap and pop music, often intolerable. With Saturday, Sunday and Bank Holiday opening as well, the prospect of not being able to enjoy the peace and quiet of their gardens at all on a fine day - or even work with the windows open - is very disturbing. Residents feel that this planning application is a step too far - encroaching even more on their right to the peaceful enjoyment of their home.

As with any business venture, there may come a time when existing premises are not suitable for further expansion. To accommodate greater demand for nursery places, whether on weekdays or at other times, a move to either larger premises or a more appropriate location would seem to be the way forward."

The above objection received is also supported by Councillor Ian Wingfield.

Internal Consultation:

Environmental Protection comments: We have now taken time to consider the above variation of condition application and can advise that we have no objection to the proposed variation to condition 3 attached to the original planning application 08-AP-1376.

From our records, we have never received any complaint regarding the premises and we seem to have no reason why the requested variation can not be changed to 07:00 – 19:00 on Monday to Friday and 09:00 – 16:00 on Saturday.

For record purposes, this department is not in support of any Sunday and banks holidays opening period and we would only support the hours 07:00 – 19:00 on Monday to Friday and 09:00 – 16:00 on Saturday.

Human rights implications

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

41. None.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2229-186 Application file: 14/AP/4259 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquires telephone: 020 7525 5403 Planning enquires email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 0585 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	Mumtaz Shaikh, Planning Officer	
Version	Final	
Dated	29 April 2015	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic director, finance & 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	29 April 2015	

APPENDIX 1**Consultation undertaken****Site notice date:** 28/11/2014**Press notice date:** n/a**Case officer site visit date:** n/a**Neighbour consultation letters sent:** 25/11/2014**Internal services consulted:**

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

Flat 1 Orange Tree Court SE5 7LS
 Flat 2 Orange Tree Court SE5 7LS
 Flat 9 Beacon House SE5 7ET
 137 Southampton Way London SE5 7EW
 179 Southampton Way London SE5 7EJ
 Flat 6 Orange Tree Court SE5 7LS
 Flat 7 Orange Tree Court SE5 7LS
 Flat 8 Orange Tree Court SE5 7LS
 Flat 3 Orange Tree Court SE5 7LS
 Flat 4 Orange Tree Court SE5 7LS
 Flat 5 Orange Tree Court SE5 7LS
 Flat 8 Beacon House SE5 7ET
 161b Southampton Way London SE5 7EJ
 Flat 1 Beacon House SE5 7ET
 Flat 10 Beacon House SE5 7ET
 149 Southampton Way London SE5 7EW
 2 Sedgmoor Place London SE5 7SE
 161a Southampton Way London SE5 7EJ
 Flat 5 Beacon House SE5 7ET
 Flat 6 Beacon House SE5 7ET
 Flat 7 Beacon House SE5 7ET
 Flat 2 Beacon House SE5 7ET
 Flat 3 Beacon House SE5 7ET
 Flat 4 Beacon House SE5 7ET
 Second Floor And Third Floor Flat 181 Southampton Way SE5 7EJ
 Second Floor Flat 177a Southampton Way SE5 7EJ
 First Floor And Second Floor Flat 169 Southampton Way SE5 7EJ
 First Floor Flat 177a Southampton Way SE5 7EJ
 First Floor Flat 181 Southampton Way SE5 7EJ
 159b Southampton Way London SE5 7EJ
 159c Southampton Way London SE5 7EJ
 159a Southampton Way London SE5 7EJ
 First Floor And Second Floor Flat 171 Southampton Way SE5 7EJ
 Flat 12 Orange Tree Court SE5 7LS
 157a Southampton Way London SE5 7EJ
 157b Southampton Way London SE5 7EJ
 Flat 9 Orange Tree Court SE5 7LS
 Flat 10 Orange Tree Court SE5 7LS
 Flat 11 Orange Tree Court SE5 7LS
 190 Southampton Way London SE5 7EU
 Caretakers Flat 2 Sedgmoor Place SE5 7SE
 Unit 10 2 Sedgmoor Place SE5 7SE
 Unit 3 2 Sedgmoor Place SE5 7SE
 Unit 4 2 Sedgmoor Place SE5 7SE
 Flat C 167 Southampton Way SE5 7EJ
 Flat D 167 Southampton Way SE5 7EJ
 Flat B 167 Southampton Way SE5 7EJ
 Flat 1 155 Southampton Way SE5 7EJ
 Flat 2 155 Southampton Way SE5 7EJ
 Flat 3 155 Southampton Way SE5 7EJ
 Unit 5 2 Sedgmoor Place SE5 7SE
 Unit 6 2 Sedgmoor Place SE5 7SE
 Unit 9 2 Sedgmoor Place SE5 7SE
 Flat A 167 Southampton Way SE5 7EJ
 Room 8 2 Sedgmoor Place SE5 7SE
 Top Flat 173 Southampton Way SE5 7EJ
 Room 1 2 Sedgmoor Place SE5 7SE
 Room 2 2 Sedgmoor Place SE5 7SE
 Room 7 2 Sedgmoor Place SE5 7SE
 Flat 3 165 Southampton Way SE5 7EJ
 First Floor Flat 190 Southampton Way SE5 7EU
 Flat 2 165 Southampton Way SE5 7EJ
 163b Southampton Way London SE5 7EJ
 Flat 1 165 Southampton Way SE5 7EJ
 173 Southampton Way London SE5 7EJ
 175 Southampton Way London SE5 7EJ
 177 Southampton Way London SE5 7EJ
 167 Southampton Way London SE5 7EJ
 169 Southampton Way London SE5 7EJ
 171 Southampton Way London SE5 7EJ
 141 Southampton Way London SE5 7EW
 143 Southampton Way London SE5 7EW
 145 Southampton Way London SE5 7EW
 181 Southampton Way London SE5 7EJ
 194 Southampton Way London SE5 7EU
 139 Southampton Way London SE5 7EW
 165 Southampton Way London SE5 7EJ
 Unit 13 2 Sedgmoor Place SE5 7SE
 Unit 14 2 Sedgmoor Place SE5 7SE
 Unit 15 2 Sedgmoor Place SE5 7SE
 Unit 11 2 Sedgmoor Place SE5 7SE
 Unit 12 To Unit 15 2 Sedgmoor Place SE5 7SE

First Floor And Second Floor Flat 163 Southampton Way SE5 7EJ
179a Southampton Way London SE5 7EJ
151 Southampton Way London SE5 7EJ
179b Southampton Way London SE5 7EJ
147 Southampton Way London SE5 7EW

Unit 12 2 Sedgmoor Place SE5 7SE
163 Southampton Way London SE5 7EJ
149a Southampton Way London SE5 7EW
153 Southampton Way London SE5 7EJ
Flat 4 84-86 Brook Drive SE11 4TS

Re-consultation: 28/11/2014

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

Environmental Protection Team Surgery [Noise / Air Quality / Land Contamination / Ventilation]

Statutory and non-statutory organisations

None

Neighbours and local groups

Email representation

Email representation

Flat 4 84-86 Brook Drive SE11 4TS

149a Southampton Way London SE5 7EW

35 Mile End Road London E1 4TP

35 Mile End Road London E1 4TP

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	Ms Nicole Bennett Nicki Day Nursery Ltd	Reg. Number	14/AP/4259
Application Type	S.73 Vary/remove conds/minor alterations	Case Number	TP/2229-186
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Variation of Condition 3 of planning permission 08-AP-1376 granted on appeal dated 17/11/2009 for 'Change of use of existing first floor residential into nursery, in connection with the existing ground floor nursery' to extend the hours of use from 08:00 to 18:00 on Monday to Friday and not at all on Saturdays, Sundays and Bank Holidays to allow opening: 07:00 to 19:00 on Monday to Friday and not at all on Saturday, Sundays and Bank Holidays.

At: 190 SOUTHAMPTON WAY, LONDON, SE5 7EU

In accordance with application received on 12/11/2014 08:00:52

and Applicant's Drawing Nos. Ordnance Survey Map showing the location of the site.

Subject to the following three conditions:

Time limit for implementing this permission and the approved plans

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

Ordnance Survey Map showing the location of the site.

Reason:

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

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

- 2 Within one month of the date of this permission, details of refuse storage arrangements shall be provided and approved in writing by the planning authority. The arrangements shall be implemented within two months of the date of approval of details. The facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with The National Planning Policy Framework 2012, Strategic Policy 13 'High Environmental Standards' of the Core Strategy (2011) and saved Policies 3.2 'Protection of Amenity' and 3.7 'Waste Management' of the Southwark Plan 2007.

- 3 The day nursery use hereby permitted shall not be carried on outside of the hours 7am - 7pm Mondays -Fridays and not at all on Saturdays, Sundays and Bank Holidays.

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 Council has published its development plan and core strategy on its website together with advice about how applications are considered and the information that needs to be submitted to ensure timely consideration of an application. Applicants are advised that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

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	Wendy Foreman	1
Councillor Sandra Rhule	1		
		Total:	25
(Reserves to receive electronic copies only)			
		Dated: 29 April 2015	
Councillor Stephanie Cryan			
Councillor Chris Gonde			
Councillor Rebecca Lury			
Councillor David Noakes			
Councillor Rosie Shimell			
Councillor Johnson Situ			
External			
Libraries	2		
Officers			
Constitutional Officer (Community Councils) Hub 4 (2 nd Floor), Tooley St.	10		
Rob Bristow, Hub 2, 5th Floor Tooley Street	1		
Jacque Green, Hub 2, 5th Floor, Tooley Street	1		
Anjana Ghosh, , Legal Services Hub 2 (2 nd Floor) Tooley St.	1		
Alex Gillott, Legal Services Hub 2 (2 nd Floor) Tooley St.	1		