

Planning Sub-Committee B

Tuesday 6 September 2016
7.00 pm

Meeting Room G02, Ground Floor, 160 Tooley Street,
London SE1 2QH

Membership

Councillor Cleo Soanes (Chair)
Councillor Maria Linforth-Hall (Vice-Chair)
Councillor Nick Dolezal
Councillor Octavia Lamb
Councillor Damian O'Brien
Councillor Sandra Rhule
Councillor Catherine Rose

Reserves

Councillor Evelyn Akoto
Councillor Anne Kirby
Councillor Eliza Mann
Councillor Darren Merrill
Councillor Leo Pollak

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.

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Contact Beverley Olamijulo on 020 7525 7234 or email: Beverley.olamijulo@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 26 August 2016



Planning Sub-Committee B

Tuesday 6 September 2016
7.00 pm

Meeting Room G02, Ground Floor, 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the sub-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 - 5
	To approve as a correct record the minutes of the meeting held on 28 June 2016.	
7.	DEVELOPMENT MANAGEMENT ITEMS	6 - 10
	7.1. 3 EAST DULWICH ROAD, LONDON SE22 9BA	11 - 21

Item No.

Title

Page No.

Date: 26 August 2016



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: Director of Planning
Chief Executive's Department
Tel: 020 7525 5655; or

Planning Sub-Committee Clerk, Constitutional Team
Finance and Governance Department
Tel: 020 7525 7420



Planning Sub-Committee B

MINUTES of the Planning Sub-Committee B held on Tuesday 28 June 2016 at 7.00 pm at Meeting Room G01, Ground Floor, 160 Tooley Street, London SE1 2QH

PRESENT: Councillor Nick Dolezal (In the chair)
Councillor Octavia Lamb
Councillor Damian O'Brien
Councillor Sandra Rhule
Councillor Catherine Rose

OFFICER SUPPORT: Dennis Sangweme (Group Manager, Planning)
Michele Sterry (Development Management)
Alex Cameron (Development Management)
Patrick Cronin (Development Management)
Alexander Gillott (Legal Officer)
Beverley Olamijulo (Constitutional Officer)

1. INTRODUCTION AND WELCOME

In the absence of the chair and vice chair, a motion to elect Councillor Nick Dolezal to chair the meeting was moved, seconded and put to the vote and carried.

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

2. APOLOGIES

There were apologies for absence from Councillors Cleo Soanes (chair), Maria Linforth-Hall (vice chair) and for lateness from Councillor Octavia Lamb.

3. CONFIRMATION OF VOTING MEMBERS

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

4. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

There were none.

5. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

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

- Addendum report relating to item 7 – development management items
- Members' pack containing photographs and drawings

6. MINUTES

RESOLVED:

That the minutes of the meeting held on 26 April 2016 be approved as a correct record and signed by the chair.

7. DEVELOPMENT MANAGEMENT ITEMS

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 revision.

7.1 29 - 35 LORDSHIP LANE, LONDON SE22

Planning application reference number: 16/AP/1288

Report: see pages 11 to 23 of the agenda pack and page 1 of the addendum report.

PROPOSAL

Erection of a mansard roof extension to create a three bedroom self-contained flat; creation of roof terrace at third floor level.

The sub-committee heard an introduction to the report from a planning officer who highlighted the additional comments and amended conditions in the addendum report. Members asked questions of officers.

There were no objectors present wishing to speak.

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

There were no supporters of the development, who lived within 100 metres of the site wishing to speak. There were no ward councillors, wishing to speak.

Members debated the application and asked questions of the officers.

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

RESOLVED:

That planning permission for application number 16/AP/1288 be granted, subject to the conditions outlined in the report and addendum report.

7.2 124 COURT LANE, LONDON SE21 7EA**Planning application reference number: 15/AP/5134**

Report: see pages 24 to 46 of the agenda pack.

PROPOSAL

Extension to existing basement involving the lowering of the existing floor level and creation of front lightwells; erection of a rear single-storey ground floor extension; erection of a dormer roof extension to the proposed rear (south) roofslope; installation of x1 new window to front gable and x1 new window to rear gable; replacement of front garage door with new garage door; construction of chimney; installation of x1 new window in side (east) elevation at ground floor level; and alterations to existing balcony.

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

The objectors addressed the meeting and responded to questions from members.

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

There were no supporters of the development, who lived within 100 metres of the site wishing to speak. There were no ward councillors.

Members debated the application and asked questions of the officers.

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

RESOLVED:

That planning permission for application number 15/AP/5134 be granted, subject to the conditions outlined in the report and the following new informative:

During the construction of the development hereby permitted, the applicant/developer and any contractors are obliged to:

- Adopt the council's code of construction practice
- Use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust and smoke emanating from the site.
- Adopt and implement of the ICE demolition protocol and considerate contractor scheme registration.

- Adopt a travel plan that minimises the conflict of construction traffic with the opening and closing times of local schools.

Note: At this point the meeting adjourned for five minutes. The meeting reconvened at 8.20 pm.

7.3 JAGS, SPORTS CLUB, RED POST HILL, LONDON SE24 9JN

Planning application reference number: 16/AP/1050

Report: see pages 47 to 57 of the agenda pack.

PROPOSAL

Construction of a single storey pavilion to accommodate a café (A3 Use Class) and associated landscaping.

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

Neither the applicant or the applicant's agent were present at the meeting.

There were no objectors, supporters or ward councillors present at the meeting.

Members debated the application and asked questions of the officers.

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

RESOLVED:

That planning permission for application number 16/AP/1050 be granted, subject to the conditions outlined in the report.

7.4 HARRIS GIRLS ACADEMY EAST DULWICH, HOMESTALL ROAD, LONDON SE22 0NR

Planning application reference number: 16/AP/1875

Report: see pages 58 to 72 of the agenda pack.

PROPOSAL

Variation of Condition 1 of planning permission 14-AP-1655 for: 'Provision of 2 single storey temporary modular buildings and 1 administrative block for education use as associated Primary School (Class D1) until 30th September 2016. Including outdoor play space and minor external works. (This application represents a Departure from the Southwark Core Strategy 2011 and Saved Southwark Plan Policies 2007)' to extend the permitted period from 30 September 2016 to 31 January 2017.

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

Neither the applicant or the applicant's agent were present at the meeting.

There were no objectors, supporters or ward councillors present at the meeting.

Members debated the application and asked questions of the officers.

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

RESOLVED:

That planning permission for application number 16/AP/1875 be granted, subject to the conditions outlined in the report.

The meeting ended at 8.30 pm

CHAIR:

DATED:

Item No. 7.	Classification: Open	Date: 6 September 2016	Meeting Name: Planning Sub-Committee B
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 of Southwark Council's constitution which describes the role and functions of the planning committee and planning sub-committees. These were agreed by the annual meeting of the council on 23 May 2012. The matters reserved to the planning committee and planning sub-committees exercising planning functions are described in part 3F of the Southwark Council constitution.

KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate:
 - a. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
 - b. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.
 - c. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.

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

Community impact statement

11. Community impact considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Director of Law and Democracy

12. A resolution to grant planning permission shall mean that the development & building control manager is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the committee and issued under the signature of the head of development management shall constitute a planning permission. Any additional conditions required by the committee will be recorded in the minutes and the final planning permission issued will reflect the requirements of the planning committee.
13. A resolution to grant planning permission subject to legal agreement shall mean that the head of development management is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the director of legal services, and which is satisfactory to the head of development management. Developers meet the council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the director of legal services. The planning permission will not be issued unless such an agreement is completed.
14. Section 70 of the Town and Country Planning Act 1990 as amended requires the council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is

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

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise. The development plan is currently Southwark's Core Strategy adopted by the council in April 2011, saved policies contained in the Southwark Plan 2007, the where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. On 15 January 2012 section 143 of the Localism Act 2011 came into force which provides that local finance considerations (such as government grants and other financial assistance such as New Homes Bonus) and monies received through CIL (including the Mayoral CIL) are a material consideration to be taken into account in the determination of planning applications in England. However, the weight to be attached to such matters remains a matter for the decision-maker.
17. "Regulation 122 of the Community Infrastructure Levy regulations (CIL) 2010, provides that "a planning obligation may only constitute a reason for granting planning permission if the obligation is:
 - a. necessary to make the development acceptable in planning terms;
 - b. directly related to the development; and
 - c. fairly and reasonably related to the scale and kind to the development.

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

18. The obligation must also be such as a reasonable planning authority, duly appreciating its statutory duties can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.
19. The National Planning Policy Framework (NPPF) came into force on 27 March 2012. The NPPF replaces previous government guidance including all PPGs and PPSs. For the purpose of decision-taking policies in the Core Strategy (and the London Plan) should not be considered out of date simply because they were adopted prior to publication of the NPPF. For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted in accordance with the Planning and Compulsory Purchase Act (PCPA) 2004 even if there is a limited degree of conflict with the NPPF.
20. In other cases and following and following the 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. This is the approach to be taken when considering saved plan policies under the Southwark Plan 2007. The approach to be taken is that the closer the

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

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council assembly agenda 23 May 2012	Constitutional Team 160 Tooley Street London SE1 2QH	Beverley Olamijulo 020 7525 7234
Each planning committee item has a separate planning case file	Development Management, 160 Tooley Street, London SE1 2QH	The named case officer as listed or Simon Bevan 020 7525 5655

APPENDICES

No.	Title
None	

AUDIT TRAIL

Lead Officer	Ian Millichap, Constitutional Manager		
Report Author	Everton Roberts, Principal Constitutional Officer Jonathan Gorst, Head of Regeneration and Development		
Version	Final		
Dated	26 August 2016		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title		Comments Sought	Comments Included
Director of Law and Democracy		Yes	Yes
Director of Planning		No	No
Cabinet Member		No	No
Date final report sent to Constitutional Team			26 August 2016

ITEMS ON AGENDA OF PLANNING SUB-COMMITTEE B
on Tuesday 06 September 2016

Appl. Type Full Planning Permission
Site 3 EAST DULWICH ROAD, LONDON, SE22 9BA

Reg. No. 16-AP-1055

TP No. TP/2666-3

Ward Peckham Rye

Officer Lasma Putrina

Recommendation GRANT PERMISSION

Proposal

Retention of a change of use from A3 Cafe to A5 Takeaway.

Item 7.1

Ordnance Survey

Date 24/8/2016



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Scale 1/1250

Item No. 7.1	Classification: OPEN	Date: 6 September 2016	Meeting Name: Planning Sub-Committee B
Report title:	Development Management planning application: Application 16/AP/1055 for: Full Planning Permission Address: 3 EAST DULWICH ROAD, LONDON SE22 9BA Proposal: Retention of a change of use from A3 Cafe to A5 Takeaway.		
Ward(s) or groups affected:	Peckham Rye		
From:	Director of Planning		
Application Start Date 07/04/2016		Application Expiry Date 02/06/2016	
Earliest Decision Date 20/05/2016			

RECOMMENDATION

1. Grant planning permission subject to conditions.

Site location and description

2. The application site is the ground floor of a three storey end-of-terrace building. It currently is used for the purposes of A5 takeaway, and the upper floors are residential.
3. The property is located within the Suburban Density Zone and Air Quality Management Area. It is not listed, nor is it located within a conservation area. It falls just outside the boundary of the Peckham and Nunhead Action Area which is approximately 70m to the east; is not located within a Controlled Parking Zone.

Details of proposal

4. Planning consent is sought for change of use from an A3 cafe to an A5 takeaway. The change has already taken place, but the planning permission for the change of use was not sought. This application is intended to regularise the change of use that has already taken place. It was originally proposed that an electrostatic precipitator and an odour neutraliser be installed to improve odour control. Officers consider that the current system's routing is not adequate and the addition of such odour control to it would not alleviate odour emanating from the ground floor premises itself. Instead it is recommended that a condition be imposed to secure a new exhaust system as detailed below.

Planning history

5. TP/2666-3/DW
Continued use of the ground floor of 3 East Dulwich Road, SE22 as a cafe/restaurant within Class A3 of the Town and Country Planning (Use Classes) Order 1987
Granted permission on 23/09/1989.

Planning history of adjoining sites

6. 3A East Dulwich Road
15/AP/3930 Full Planning Application
Change of use of commercial premises from A1 Shops (Hair & Beauty) to Sui Generis (Nail & Beauty)

Granted permission on 27/11/2015

Summary of main issues

7. The main issues to be considered in respect of this application are:
 - a) Principle of development in terms of land use and conformity with strategic policies;
 - b) Impact of proposed development on amenity of adjoining occupiers;
 - c) Impact of proposed development on the character and appearance of the building and surrounding area;
 - d) Transport issues.

Planning policy

National Planning Policy Framework (the Framework)

8. Section 1 - Building a strong, competitive economy
Section 2 - Ensuring the vitality of town centres
Section 7 - Requiring good design
Section 11- Conserving and enhancing the natural environment

London Plan July 2015 consolidated with alterations since 2011

9. Policy 4.7 - Retain and town centre development
Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Core Strategy 2011

10. Strategic Policy 1 - Sustainable development
Strategic Policy 3 - Shopping, leisure and entertainment
Strategic Policy 13 - High environmental standards

Southwark Plan 2007 (July) - saved policies

11. The Council's cabinet on 19 March 2013, as required by para 215 of the NPPF, considered the issue of compliance of Southwark Planning Policy with the National Planning Policy Framework. All policies and proposals were reviewed and the Council satisfied itself those 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 1.10 Small scale shops and services outside the town and local centres and protected shopping frontages
Policy 3.1 Environmental effects
Policy 3.2 Protection of amenity
Policy 3.7 Waste reduction

Policy 5.2 Transport impacts

12. Sustainable Design and Construction SPD 2009.

Principle of development

13. The application site is not located within a town centre or a Protected Shopping Frontage. Saved Policy 1.10 'Small scale shops and services outside the town and local centres and protected shopping frontages' states:

"Outside town centres, local centres and protected shopping frontages, development will only be permitted for a proposal for a change in use between A Use Classes or from A Use Classes to other uses, when the applicant can demonstrate that:

- i) The proposed use would not materially harm the amenities of surrounding occupiers; and
 - ii) The use that will be lost is not the only one of its kind within a 600m radius and its loss would not harm the vitality and viability of nearby shops or shopping parades; or
 - iii) The premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit over a two year period."
14. The change of use subject to this application would be from a cafe (A3) to a takeaway (A5), which would allow the planning unit to remain within an A class use. The change of use is thus acceptable in principle.

Summary of consultation responses

15. 18 responses to the planning application have been received. The main concerns are:
- 1. Unpleasant odour created by cooking on site;
 - 2. Rubbish left on the pavement by the customers of the takeaway shop leading to untidy appearance and attraction of vermin;
 - 3. Impact on the health of young children that attend schools nearby as they can conveniently visit the shop;
 - 4. Inappropriate parking created while people access the takeaway shop.

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

Odour

16. The proposal was to install an electrostatic precipitator and odour neutraliser in order to reduce cooking fumes leaving the premises and affecting the amenity of adjoining occupiers. This however is not likely to deal with odour emanating from the premises itself (at ground floor level) because it would only reduce odour from the terminus of the flue, presently at roof level through the chimneys. The chimney cowls present a limit on the amount of air that can flow through the system and may explain why there is odour affecting people from the ground floor- the present system simply does not have capacity to remove odourous air from the cooking process.
17. The solution to this problem would be to construct a new, bespoke kitchen exhaust system that would have capacity to remove odourous air from the premises. There is the potential to have the flue routed along the eastern flank of the building to discharge at height. It is recommended that a condition be imposed requiring the submission of a suitable system, for it to be constructed and used in a timely manner,

should planning permission be granted.

Refuse

18. The design and access statement includes information for provision of recycling and waste storage. It is stated that refuse would be stored within the side alleyway of the property. However, it is noted that the side alleyway is not part of the application site. Space to the rear exists that could accommodate bins for the refuse storage and some existing provision for storing waste cooking oil is provided to the rear. As such, a condition requiring further details regarding storage of commercial waste is recommended to ensure that storage arrangements are suitable.
19. For the purposes of assessing the change of use, it is considered that sufficient space would exist to accommodate commercial waste and that the proposed new A5 use would not be significantly different from the lawful A3 that was use in terms of refuse storage. Many objections reference the litter that has accrued from the use. This seems to be from inconsiderate customers leaving waste on the street rather than using bins close by. It is an offence to drop litter which is controlled through a separate regulatory regime and not a matter that officers believe would warrant a reason for refusal.

Opening hours

20. The permission granted in 1989 for the use of the premises as a cafe/restaurant did not include a restriction on the hours of use. This application seeks opening hours to be 11:00 to 23:00 daily Monday to Sunday. It is therefore considered that the proposed opening hours would be acceptable within the context and would not lead to disturbance detrimental to the amenity of adjoining occupiers.

Proximity to schools

21. The application site falls just outside Peckham and Nunhead Action Area Plan that sets out a policy in relation to A5 uses and their proximity to secondary schools; a policy that cannot be applied on this site and while it is understandable that there is concern about an A5 use close to the action area, there is no policy that would prevent the land use proposed.

Design issues

22. No external alterations have been proposed.

Transport issues

23. The property is not located within a Controlled Parking Zone. It is stated in the design and access statement that deliveries and waste collection would be arranged some time between late morning and early afternoons to avoid disturbance to local residents. Servicing arrangements would be similar to those required for the lawful A3 use and would not cause a significant impact on the highway.
24. Concern has been expressed about people parking on the road outside the site to use the premises. There are some parking restrictions on East Dulwich Road which can be enforced should illegal parking take place.

Other matters

25. No planning history exists in relation to the existing internally illuminated advertisements. Advertisements do not form part of this application and the applicant

is informed that an advertisement consent may be necessary to regularise the installation of the advertisements at the premises.

Conclusion on planning issues

26. The change of use subject to this application is considered acceptable would not give rise to significant impacts which would be detrimental to the amenity of neighbouring occupiers.

Community impact statement

27. 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.

Consultations

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

Consultation replies

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

Human rights implications

30. 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.
31. This application has the legitimate aim of providing a new A5 unit. 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/2666-3 Application file: 16/AP/1055 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: 0207 525 7708 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	Simon Bevan, Director of Planning		
Report Author	Lasma Putrina, Planning Officer		
Version	Final		
Dated	23 August 2016		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director, Finance and Governance	No	No	
Strategic Director, Environment and Leisure	No	No	
Strategic Director of Housing and Modernisation	No	No	
Director of Regeneration	No	No	
Date final report sent to Constitutional Team		24 August 2016	

APPENDIX 1**Consultation undertaken****Site notice date:** 18/04/2016**Press notice date:** n/a**Case officer site visit date:** 19/04/2016**Neighbour consultation letters sent:** 13/04/2016**Internal services consulted:**

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

Statutory and non-statutory organisations consulted:

n/a

Neighbour and local groups consulted:

9d East Dulwich Road London SE22 9BD	Flat 1 5 East Dulwich Road SE22 9BA
9c East Dulwich Road London SE22 9BD	Flat 1 3 East Dulwich Road SE22 9BA
9b East Dulwich Road London SE22 9BD	Flat 2 5 East Dulwich Road SE22 9BA
Flat 4 11 East Dulwich Road SE22 9BD	Flat 2 3 East Dulwich Road SE22 9BA
9f East Dulwich Road London SE22 9BD	19a Solway Road SE22 9BG
9e East Dulwich Road London SE22 9BD	154 Peckham Rye East Dulwich SE22 9QH
9a East Dulwich Road London SE22 9BD	Flat 1 Beech Court 1b East Dulwich Road SE22 9BA
27 Solway Road London SE22 9BG	The Maisonette Rear Of 1 East Dulwich Road Se22 9ba
26 Solway Road London SE22 9BG	Unit 1a 1 East Dulwich Road SE22 9BA
5a-9 East Dulwich Road London SE22 9BD	4, Beech Court 1b East Dulwich Road SE22 9BA
Flat 3 11 East Dulwich Road SE22 9BD	19a Solway Road East Dulwich SE22 9BG
Flat 2 11 East Dulwich Road SE22 9BD	Solway Road London
Flat 1 11 East Dulwich Road SE22 9BD	Flat 3 176 Peckham Rye SE22 9QA
Vallance House 162 Peckham Rye SE22 9QH	144 Peckham Rye London SE22 9QH
140 Peckham Rye London SE22 9QH	Flat A 24 Solway Road East Dulwich SE22 9BG
Unit 1 A East Dulwich Rd se22 9ba	20 Solway Road London SE22 9BG
5 East Dulwich Road London SE22 9BA	174 Peckham Rye London SE22 9QA
3 East Dulwich Road London SE22 9BA	Flat 2 Hazel Court, 1a East Dulwich Road London SE22 9BA
First Floor And Second Floor Flat 1 East Dulwich Road SE22 9BE	Flat 2 Hazel Court 1a East Dulwich Rd SE22 9BA
3a East Dulwich Road London SE22 9BA	
1 East Dulwich Road London SE22 9BA	

Re-consultation: n/a

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

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

Statutory and non-statutory organisations

None

Neighbours and local groups

Flat A 24 Solway Road East Dulwich SE22 9BG
 Flat 1 Beech Court 1b East Dulwich Road SE22 9BA
 Flat 2 Hazel Court 1a East Dulwich Rd SE22 9BA
 Flat 2 Hazel Court, 1a East Dulwich Road London SE22 9BA
 Flat 3 176 Peckham Rye SE22 9QA
 Solway Road London
 The Maisonette Rear Of 1 East Dulwich Road Se22 9ba
 Unit 1 A East Dulwich Rd se229ba
 Unit 1a 1 East Dulwich Road SE22 9BA
 Vallance House 162 Peckham Rye SE22 9QH
 Vallance House 162 Peckham Rye SE22 9QH
 140 Peckham Rye London SE22 9QH
 144 Peckham Rye London SE22 9QH
 154 Peckham Rye East Dulwich SE22 9QH
 174 Peckham Rye London SE22 9QA
 19a Solway Road East Dulwich SE229BG
 19a Solway Road SE229BG
 20 Solway Road London SE22 9BG
 4, Beech Court 1b East Dulwich Road SE22 9BA

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 Dashi Mayooraan	Reg. Number	16/AP/1055
Application Type	Full Planning Permission	Case Number	TP/2666-3
Recommendation	Grant permission		

Draft of Decision Notice

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

Retention of a change of use from A3 Cafe to A5 Takeaway.

At: 3 EAST DULWICH ROAD, LONDON SE22 9BA

In accordance with application received on 21/03/2016 08:01:22

and Applicant's Drawing Nos. Site location plan, Block plan, Existing front elevation, Existing side elevation, Existing and proposed section A-A, Existing and proposed ground floor plan, Design and access statement, Electrostatic precipitator manual, ON 100 odour neutraliser manual.

Subject to the following four 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: Existing and proposed section A-A, Existing and proposed ground floor plan

Reason:

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

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

- 2 Within one month of the decision date details of the arrangements for the storing of commercial refuse shall be submitted in writing to the Local Planning Authority. Any details approved shall be provided within one month of the approval date; the use hereby permitted shall only take place in accordance with such details as are approved.

Reason

To ensure that the refuse will be appropriately stored within the site thereby protecting local amenity in accordance with the National Planning Policy Framework 2012, Strategic Policy 13 high environmental standards of the Core Strategy 201 and saved policy 3.2 protection of amenity of the Southwark Plan.

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 use hereby permitted shall only be carried out between the hours of 11:00-23:00 on any day.

Reason:

To protect the amenity of residents from noise and disturbance National Planning Policy Framework 2012; Policy 7.15 reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan; Strategic Policy 13 high environmental standards of the Core Strategy 2011; saved policy 3.2 protection of amenity of the Southwark Plan 2007 and the Sustainable Design and Construction SPD 2009.

- 4 Within one month of the date of this permission, details of a kitchen exhaust system to ventilate the premises shall be submitted for approval to the local planning authority. The details shall include the means of odour control and sound attenuation (to ensure that the rating noise level (as defined in BS 4142:2014) from plant be at least 10dB(A) below the relevant background sound level (LA90) 1m from the nearby noise sensitive premises). Any

kitchen exhaust system approved shall be installed within two months of the date of approval and used to ventilate the premises thereafter.

Reason:

To protect the amenity of the local area and residents from noise and odour impacts in accordance with the National Planning Policy Framework 2012; Policy 7.15 reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes of the London Plan; Strategic Policy 13 high environmental standards of the Core Strategy 2011; saved policy 3.2 protection of amenity of the Southwark Plan 2007 and the Sustainable Design and Construction SPD 2009.

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.

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PLANNING SUB-COMMITTEE B AGENDA DISTRIBUTION LIST (OPEN) MUNICIPAL YEAR 2016-17

NOTE: Original held by Constitutional Team all amendments/queries to Beverley Olamijulo: telephone 020 7525 7434.

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Councillor Cleo Soanes (Chair)	1	Environmental Protection Team	1
Councillor Maria Linforth-Hall (Vice-Chair)	1		
Councillor Nick Dolezal	1	Communications	By email
Councillor Octavia Lamb	1	Louise Neilan, media manager	
Councillor Damian O'Brien	1		
Councillor Sandra Rhule	1	Total:	24
Councillor Catherine Rose	1		
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Margaret Foley/Jon Gorst, Legal Services, Hub 2 (2 nd Floor), Tooley Street	2		