

COMMUNITY COUNCILS
A voice for your community



Dulwich Community Council Agenda Planning Meeting

Date: Tuesday 09 January 2007

Time: 7.00 PM

Place: Christ Church, 263 Barry Road, SE22 (back Hall –entrance via the left hand side of the building)

1. Introduction and welcome [*Chair*]
2. Apologies
3. Disclosure of Members' interests and dispensations
4. Items of business that the Chair deems urgent
5. Minutes of meeting held on Wednesday 20 September 2006
6. **Development Control Items**
 - Item 6/1** – Full Planning Permission – 26 – 30 Lordship Lane, London SE22 8HJ
 - Item 6/2** – Full Planning Permission – 25 Hitherwood Drive, London SE19 1XA
 - Item 6/3 - *Pre application item* – 116 Woodland Road, SE19
7. **Non DC Item**

Preservation Tree Order (no 326) 54 Peckarmans Wood, SE26
8. **Closing Comments by the Chair**

ADDITIONAL INFORMATION

Dulwich Community Council Membership

Cllr Nick Vineall - Chair
Cllr Lewis Robinson - Vice Chair
Cllr James Barber
Cllr Toby Eckersley
Cllr Kim Humphreys
Cllr Michelle Holford
Cllr Robin Crookshank Hilton
Cllr Jonathan Mitchell
Cllr Richard Thomas

Carers' Allowances

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

Deputations

For information on deputations please ask the clerk for the relevant hand-out.

Exclusion of Press and Public

The following motion should be moved, seconded and approved if the Community Council wishes to exclude the press and public to deal with reports revealing exempt information.

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of information as defined in paragraphs 1-15, Access to Information Procedure Rules of the Constitution.”

Transport Assistance for Disabled Members of the Public

Members of the public with a disability who wish to attend Community Council meetings and who require transport assistance in order to access the meeting, are requested to call the meeting clerk at the number below to give his/her contact and address details. The clerk will arrange for a driver to collect the person and provide return transport after the meeting. There will be no charge to the person collected. Please note that it is necessary to call the clerk as far in advance as possible, at least three working days before the meeting.

Wheelchair facilities

Wheelchair access to the venue is through the side entrance to Christ Church to the back hall and there is a disabled toilet at the venue.

For further information, please contact the Dulwich Community Council clerk:

Beverley Olamijulo

Phone: 0207 525 7234

E-mail: beverley.olamijulo@southwark.gov.uk

Council Website: www.southwark.gov.uk

Language Needs

If you want information on the Community Councils translated into your language please telephone 020 7525 57514

To inform us of any special needs or requirements, such as transport or signer/interpreter, please telephone 020 752 57514

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কোন বিশেষ প্রয়োজন সম্বন্ধে যদি আমাদের জানাতে চান যেমন ট্রান্সপোর্ট অথবা সংকেত দ্বারা অনুবাদক/ইন্টারপ্রেটার তাহলে 020 7525 0640 নম্বরে টেলিফোন করুন

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turjuman af Soomaali fadlan tilifoon u dir 020 7525 7514

Si aad noogu sheegto haddii aad leedahay baahi gaar ama wax gooni kuu ah sida

gaadiid, af celiyaha dadka indha la' fadlan tilifooni 020 7525 7514

Somali

如果你需要有關社區委員會的訊息翻譯成中文，請致電提出要求，號碼：020 7525 0640

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linguagem dos sinais/ intérprete, por favor ligue para 020 7525 7514.

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Pour nous informer de tout besoin ou condition spéciale, telles que le transport ou le signataire / interprète, téléphonez SVP au 020 7525 7514

French

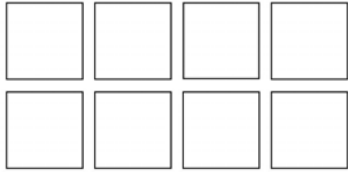
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Si tiene necesidades o requisitos específicos, como es transporte especial o un intérprete, por favor llame al número de teléfono 020 7525 7514

Spanish

Lati bēre fun itumọ irohin nipa Council agbegbe re (Community Council) ni ede abini re, jọwọ pe telifoonu 020 7525 7514.

Lati jẹ ki a mọ nipa iranlọwọ tabi idi pato, gẹgẹbi ọkọ (mọto) tabi olutumọ, jọwọ pe telifoonu 020 7525 7514.

Yoruba



COMMUNITY COUNCILS
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Dulwich Community Council Planning Meeting

draft

Minutes of Dulwich Community Council Planning meeting held on Wednesday
September 20, 2006 at 7.00pm at Christ Church, 263 Barry Road, SE22

Present

Councillors Nick Vineall (Chair), Lewis Robinson (Vice Chair), James Barber, Toby Eckersley, Robin Crookshank Hilton, Michelle Holford and Jonathan Mitchell.

1. Introduction and welcome by the Chair

Councillor Nick Vineall introduced himself, Members of Dulwich Community Council, officers and welcomed people to the meeting.

Apologies

Apologies for absence were received on behalf of Cllrs Richard Thomas and Kim Humphreys. An apology for lateness was received on behalf of Cllr Michelle Holford.

3. Disclosure of Members' interests and dispensations

Councillor Jonathan Mitchell declared a personal non-prejudicial interest in respect of item 1/4, 21 & 23 Northcross Rd because a constituent had written to him objecting to the proposed development. He agreed to withdraw from the meeting.

4. Urgent Items

There were no urgent agenda items.,

5. Minutes of meeting of Wednesday July 26, 2006

The Minutes of the meeting held on July 26, 2006 be agreed as an accurate record of the proceedings subject to the following amendments:

- Item 1/1, 83 Lordship Lane SE22 on page 10 of the agenda should state that the objectors were present and made representations to the committee.

- Item 1/1 – resolution point 3, should say, in accordance with highway safety and parking restrictions on this part of Lordship Lane, that there be no storage of refuse and the number of tables and chairs on the forecourt’.

The clerk agreed to amend the minutes for the Chair to sign.

Recording of Members’ votes

Council Procedure Rule 1.9 (4) allows a Member to record her/his vote in respect of any Motions and amendments. Such requests are detailed in the following Minutes. Should a Member’s vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

The Committee considered the items set out on the agenda, a copy of which has been incorporated in the Minute File. Each of the following paragraphs relates to the item bearing the same number on the agenda.

7. DEVELOPMENT CONTROL (See pages 13 - 64)

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 unless otherwise stated.
3. That where reasons for the decision or condition are not included in the report relating to an individual item, that they be clearly specified.

7. Development Control Items

Item 1/1 – Full Planning Permission – 105 Overhill Road, London SE22 0PR
(see pages 19 – 29)

Proposal: Demolition of existing house and erection of a four storey building comprising 9 self contained flats (5 x 1 bed flats and 4 x 2 bed flats), 5 parking spaces, 3 motor cycle spaces and cycle/refuse storage
(Re-submission)

The committee heard the officer’s presentation (Sonia Watson) and members asked questions.

Representations were heard from the applicant’s agent.

- RESOLVED:** 1. That planning permission be refused on the grounds that the proposed development by reason of its depth, height and bulk

to the rear would result in a detrimental visual impact on the neighbouring properties.

2. The development also exceeds the recommended density range for suburban north zone. As such the proposal is contrary to policies:
 - 3.2 Protection of Amenity
 - 3.11 Quality in design
 - 4.1 Density of residential development as set out in the Southwark Plan (Modification version) 2006.
3. In addition contrary to Policies:
 - E.2.3 Aesthetic Control
 - E.3.1 Protection of Amenity
 - H.1.7 Density of Residential development as set out in the adopted Southwark UDP.

In accordance with Council Procedure Rule 1.9 (4) Councillor Toby Eckersley requested that his vote against the aforementioned resolution be recorded in the minutes.

Cllr Jonathan Mitchell was not present at the start, when this item was being considered and therefore took no part in the debate or decision.

Members agreed to discuss both applications (items 1/2 & 1/3) together.

Item 1/2 – Full Planning Permission – 172 Court Lane, London SE21 7EB (see pages 30 – 37)

Proposal: Removal of front dormer window, alterations to rear windows at first and second floor to give original/traditional appearance together with ground floor rear extension. (Re-submission)

The committee heard the officer's presentation and members asked questions.

There were no objectors present.

Members heard representations from the applicant's agent who showed photos of the adjoining property and explained during his presentation that the dormant door would be removed so it is in keeping with the rest of the properties.

RESOLVED: That planning permission be granted subject to conditions.

Item 1/3 – Full Planning Permission – 154 Court Lane, London SE21 7EB (see pages 38 – 46)

Proposal: Demolition of rear single storey extension and rebuild of new single storey rear extension to dwelling house, to provide additional

residential accommodation. (Re-Submission)

The committee heard the officer's presentation. The officer read out a letter from the owner of 156 Court Lane who was present and had no objections to the existing extension but any further extension would have a visual impact.

The officer then responded to questions from Members.

Representations were heard from the objector and applicant's agent. The objectors expressed concerns about the proposed development being too close to their adjoining wall.

RESOLVED: That planning permission be refused on the grounds that the proposed development would have a detrimental impact on surrounding properties particularly with regards to the visual amenity, mass bulking as well as overshadowing of this development.

A five-minute adjournment took place at 9.15pm.

Item 1/4 – Refusal – 21 & 23 North Cross Road, London SE22 9ET (see pages 47A – 55)

Proposal: Erection of a single storey rear extension to number 21 together with the creation of an internal link with number 23, to provide additional floorspace for use as a place of worship in connection with the existing hall/place of worship (Class D1) at 23 North Cross Road.

Cllr Jonathan Mitchell withdrew from the meeting.

The committee heard the officer's presentation and members asked questions.

Representations were heard from an objector (Northcross Rd resident).

The applicant was not present.

RESOLVED: That planning permission be refused on the grounds that the proposed development would adversely affect the residential area which includes loss of amenity and disturbance from noise to occupiers in the surrounding area.

Item 1/5 – Full Planning Permission – 26 & 30 Lordship Lane, London SE22 8HJ (see pages 56 – 64)

Proposal: Conversion of existing three flats [1 x five-bedroom and 2 x three bedroom] at 1st & 2nd floor level and roof space, together with the

formation of two rear dormer windows to rear elevation the formation of new entrance to front elevation, to provide 6 flats [3 x one bedroom and 3 x two bedroom]

The committee heard the officer's presentation and members asked questions.

Representations were heard from three objectors (residents from East Dulwich Grove & Matham Grove).

The applicant's agent was present to give representations at the meeting.

RESOLVED: That the planning application be deferred in order to establish those that would have access to the service area (i.e. owner of shops) and that this issue must be addressed before the next meeting. In addition, that greater clarity must be given concerning the flat roof rear of 28 Lordship Lane and matters relating to cycle parking.

The meeting ended at 10.25pm

CHAIR:

DATE:

Item No.	Classification : Open	Date: 09 January 2007	Meeting Name: [Dulwich] Community Council
Report title:		Development Control	
Ward(s) or groups affected:		All within [Village, College and East Dulwich] Community Council	
From:		Strategic Director of Regeneration	

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 Community Council Planning business detailed in Article 10 under Role and Functions of Community Councils were agreed by the Constitutional Meeting of the Council on 25 May 2005. The Matters Reserved to the Planning Committee and Community Councils Exercising Planning Functions are described in Part 3F of the Southwark Council Constitution 2005/06. These functions were delegated to the Planning Committee and Community Councils.

KEY ISSUES FOR CONSIDERATION

5. Members are asked to determine the attached applications in respect of site(s) within the borough.
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. The draft decision notice will detail the reasons for any approval or refusal.
7. Applicants have the right to appeal to the First Secretary of State against a refusal of planning permission and against any condition imposed as part of permission. If the appeal is dealt with by public inquiry then fees may be incurred through employing Counsel to present the Council's case.

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 involving a public inquiry or informal hearing 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 Regeneration budget.

EFFECT OF PROPOSED CHANGES ON THOSE AFFECTED

11. Equal opportunities considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Borough Solicitor & Secretary

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 Development & Building Control Manager shall constitute a planning permission. Any additional conditions required by the Committee will be recorded in the Minutes and the final planning permission issued will reflect the requirements of the Community Council.
13. A resolution to grant planning permission subject to legal agreement shall mean that the Development & Building Control Manager is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the Borough Solicitor and Secretary, and which is satisfactory to the Development & Building Control Manager. Developers meet the Council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the Borough Solicitor and Secretary. 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. Section 54A of the Town and Country Planning Act 1990 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 the Southwark Unitary Development Plan adopted by the Council in July 1995 and the London Plan adopted by the

Mayor of London in February 2004. The enlarged definition of “development plan” arises from s38(2) of the Planning and Compulsory Purchase Act 2004. 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 106 of the Town and Country Planning Act 1990 introduced the concept of planning obligations. Planning obligations may take the form of planning agreements or unilateral undertakings and may be entered into by any person who has an interest in land in the area of a local planning authority. Planning obligations may only:
1. restrict the development or use of the land;
 2. require operations or activities to be carried out in, on, under or over the land;
 3. require the land to be used in any specified way; or
 4. require payments to be made to the local planning authority on a specified date or dates or periodically.

Planning obligations are enforceable by the planning authority against the person who gives the original obligation and/or their successor/s.

16. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligations 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.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda 25 th March 2005	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	[Lesley John] 020 7525 7229??
Each application has a separate planning case file	Council Offices Chiltern Portland Street London SE27 3ES	The named case Officer as listed or Phil Chambers 020 7525 5447

APPENDIX 1

Audit Trail

<u>Lead Officer</u>	Glen Egan, Borough Solicitor & Secretary	
Report Author	Ellen FitzGerald, Acting Senior Planning Legal Officer [Lesley John], Constitutional Support Officer (Executive)	
Version	Final	
<u>Dated</u>		
<u>Key Decision</u>	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	Yes
Paul Evans Strategic Director of Regeneration	No	No
Joe Battye, Development & Building Control Manager	No	No

ITEMS ON AGENDA OF THE DULWICH CC
on Tuesday 09 January 2007

Appl. Type Full Planning Permission
Site 26-30 LORDSHIP LANE, LONDON, SE22 8HJ

Reg. No. 05-AP-2582
TP No. TP/2315-26
Ward East Dulwich
Officer Andrew Pratt

Recommendation GRANT

Proposal

Conversion of existing three flats [1 x five-bedroom and 2 x three-bedroom] at 1st & 2nd floor level and roof space, together with the formation of two rear dormer windows to rear elevation the formation of new entrance to front elevation, to provide 6 flats [3 x one-bedroom and 3 x two-bedroom]

Item / 1

Appl. Type Full Planning Permission
Site 25 HITHERWOOD DRIVE, LONDON, SE19 1XA

Reg. No. 06-AP-1644
TP No. TP/2814-25
Ward College
Officer Daniel Byrne

Recommendation GRANT

Proposal

Demolition of a single garage, and construction of a two-storey front extension and one-storey rear extension to provide additional residential accommodation to dwellinghouse.

Item / 2

Item No. 1	Classification OPEN	Decision Level Dulwich Community Council	Date 09/01/2007
From Head of Development and Building Control		Title of Report DEVELOPMENT CONTROL	
Proposal (05-AP-2582) Conversion of existing three flats [1 x five-bedroom and 2 x three-bedroom] at 1st & 2nd floor level and roof space, together with the formation of two rear dormer windows to rear elevation the formation of new entrance to front elevation, to provide 6 flats [3 x one-bedroom and 3 x two-bedroom]		Address 26-30 LORDSHIP LANE, LONDON, SE22 8HJ Ward East Dulwich	

PURPOSE

- 1 This application was deferred at Dulwich Community Council on 20/9/06 for the applicant to address the following issues;
 - Servicing to the shops - there is currently access from the double shop unit to the rear service area, (according to the plans). The proposal would completely seal off this area from the shops. Please clarify how the shop units are to be serviced? Who does the land belong to the flats or the shops?
 - Flat roof of single storey structure to the rear of no 28 who has access to the area.
 - Cycle parking needs to be revised

A revised plan has been received and the matter is put before the meeting to consider the above application. The application is being put forward for consideration by Dulwich Community Council as objections have been received and also because officers are aware of the specific concerns of Local Members in respect of parking and general traffic issues in the East Dulwich area.

RECOMMENDATION

- 2 Grant planning permission, subject to conditions.

BACKGROUND

Site location and description

- 3 The application site is located on the corner of Lordship Lane and East Dulwich Grove. The application property is the end unit of a row of terraces

which fall within protected (secondary) shopping frontage within Lordship Lane town centre, and typically has retail units at ground floor level with residential units above.

4

The application site contains a double-frontage commercial unit (no's 28 and 30) and a single unit, no 26, all at ground floor level and three residential units over the first, and second floors (2 x 3 bedroom flats over no's 28 and 30 and 1 x 5-bedroom flat over no 26). The service road located to the rear of the site has partly been enclosed by a single storey rear extension, this is to the rear of no. 28. To the rear of no. 26 a skip has been placed in the service area in front of the single storey extension. The skip is used to store rubbish from the timber merchants.

5

The site is not located in a conservation area and the property is not a listed building. This part of Lordship Lane is protected shopping frontage.

6

Details of proposal

Permission is sought for the provision of 2 dormer windows in the rear roof slope of no's 28 and 30 to provide the main bedroom and bathroom to the flats on the floor below.

7

The building would be converted to form 6 flats, together with associated alterations to elevations. It is proposed to provide the following mix of units;

3 x 1-bedroom flats

8

3 x 2-bedroom flats.

There is no off-street parking provision provided. An area for cycle parking and refuse storage would be accommodated at ground floor level via separate entrance from East Dulwich Grove for flats no's 1 and 4. A new entrance would be created on the front elevation fronting Lordship Lane for units no's 2-6. An internal refuse area would be created at this entrance.

9

The application has been revised from the original submission which included building in the area to the rear adjoining 1 East Dulwich Grove and included the provision of balconies to the rear dormer windows and to the new building overlooking East Dulwich Grove. It was originally proposed to provide a total of 7 residential units, (2 x 2 bedroom and 5 x 1 bedroom).

10

Planning history

An application was withdrawn by the applicant in August last year for the conversion of the 1st & 2nd floors, and roof incorporating rear dormers and a new 3 storey structure to the rear of nos. 26 & 28 Lordship Lane to provide 3 two-bedroom flats; 3 one-bedroom flats and 1 three-bedroom flat.

11

Planning history of adjoining sites

An application at 8B-10A Lordship Lane was approved at Dulwich Community Council 26 July 2006 for the conversion of existing 1 x 2-bed and 1 x 3-bed flats at upper first floor and second floor and use of new roofspace to form 1 x 1-bed flat and 3 x 2-bed flats (a total of 5 flats including an existing studio flat at lower first floor). New roof with 2 dormers in rear roof slope. Elevational alterations (including new windows and door) to rear and both side elevations,

and creation of bin/bike store at ground floor to be associated with the residential use of the upper floors.

FACTORS FOR CONSIDERATION

Main Issues

- 12 The main issues in this case are:
- a] The principle of development in terms of land use.
 - b] The quality of living accommodation provided for future occupants.
 - c] The design of the roof extension and impact on the character of the area.
 - d] The impact on the amenity of neighbouring residents.
 - e] The impact on traffic and parking in the locality

Planning Policy

At its meeting on 29th June 2006 the Council resolved to adopt the Southwark Plan subject to modifications. Therefore apart from a small number of exceptions, the policies in the Southwark Plan now have significant weight in the determining of planning applications. Whilst the 1995 Unitary Development Plan remains the statutory Development Plan until such time as the Southwark Plan is formally adopted it is likely that, in determining pending applications, the Council will give predominant weight to Southwark Plan policies. Upon formal adoption the policies in the Southwark Plan will be applied unless material considerations indicate otherwise

- 13 Southwark Plan 2006
Policy 3.2 'Protection of Amenity'
Policy 3.10 'Efficient Use of Land'
Policy 3.11 'Quality in Design'
Policy 3.13 'Urban Design'
Policy 4.2 'Quality of Residential Accommodation'
Policy 5.2 'Transport Impacts'
Policy 7.8 'Lordship Lane Neighbourhood Area'
- 14 Southwark Unitary Development Plan 1995 [UDP]:
Policy E.2.3 'Aesthetic Control'
Policy E.3.1 'Protection of Amenity'
Policy H.1.8 'Standards for New Housing'
Policy H.3.2 'Environmental Effects of Conversions'
Policy H.3.4 'Standards for Conversions'
Policy S.1.7 'Upper Floors of Shops'
Policy T.1.3 'Design of Development and Conformity with Council Standards and Controls'
Supplementary Planning Guidance No.5 'Standards, Controls and Guidelines for Residential Development'

PPG 3 Housing

- 15 Paragraph 41 of PPG3 Housing states,
Conversions of housing, buildings formerly in other uses and the upper-floor space over shops, can provide an important source of additional housing, particularly in town centres. Local planning authorities should adopt positive policies to:
- identify and bring into housing use empty housing, vacant commercial buildings and upper floors above shops, in conjunction with the local authority's housing programme and empty property strategy and, where appropriate acquire properties under compulsory purchase procedures; and
 - promote such conversions, by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking.

PPG 13 Transport states,

- 16 PPG3 requires parking policies to "be framed with good design in mind, recognising that car ownership varies with income, age, household type, and the type of housing and its location". They should not be expressed as minimum standards. Local authorities "should revise their parking standards to allow for significantly lower levels of off-street parking provision, particularly for developments in locations, such as town centres, where services are readily accessible by walking, cycling or public transport

Consultations

- 17 Site Notice
05/01/06

- 18 Press Notice
N/A

- 19 Internal Consultees
Traffic Group
Noise and Pollution

- 20 Statutory and non-statutory consultees
N/A

- 21 Neighbour Consultees:
1, 2, 2A ,2B , Flat A, B, C 3 Maisonette and Second Floor,4, 5, 6, 9 Mezzanine, East Dulwich Grove
20-22, 23, 23A, 24, 24A, 24B, 25A, 26A, 27, 28A First and Second Floors, 29-35 Ground, 1st an 2nd Floors, 30A, 32, 34 First and Second Floor, 34B, 36Lordship Lane
Foresters Arms 25-27 Lordship Lane

- 22 **Replies from:**
Internal Consultees
Traffic Group
Traffic agree with the findings of the parking survey submitted in July and do

not feel that the lack of parking would be justified as a reason for refusal in this case although there are concerns that the surrounding road networks are nearing saturation levels. The revised refuse and cycle storage are also considered acceptable.

23

Noise and Pollution

No objection subject to condition.

24

Neighbour consultees

6 Matham Grove

Lack of parking facilities in the area would be made worse. Balconies proposed would lead to overlooking.

25

32 Lordship Lane

Balconies would overlook this property and would lead to a loss of light. *This objection has been withdrawn as the scheme has been revised to address these points.*

26

1 East Dulwich Grove

Balconies proposed would lead to overlooking. Noise created by the used of the bicycle stands to the rear of the site. Where the existing skip would go located to the rear of the site.

27

The revised scheme has sought to resolve these issues. No balconies are proposed, the skip will stay where it currently is and no bicycle stands are proposed to the rear of the site.

PLANNING CONSIDERATIONS

28

Principle of development

The residential use of the upper floors of the application property is considered acceptable in principle, and complies with policies encouraging the use of upper floors of shops into uses beneficial to the vitality of shopping centres. The extra units created would also add to the much needed shortage of housing stock in the borough. The extensions proposed would not in themselves create additional residential units.

29

Impact on amenity

Quality of living accommodation

With regard to minimum floor areas, both the proposed one and two-bed units comply with standards as set out in Supplementary Planning Guidance No. 5.

30

It is also considered that all habitable rooms receive an acceptable level of light and outlook. The stacking arrangement is also considered acceptable.

31

Cycle parking and refuse storage

The proposal has been revised to accommodate 7 secure cycle parking spaces and refuse storage located in separate rooms. This number of cycle parking spaces is in accordance with the Council's minimum standards and this arrangement is considered to be satisfactory.

Impact on neighbours' amenity

32 With the original application, balconies were proposed but were subsequently deleted from the scheme because of their excessive size and because they would lead to overlooking. No additional habitable room windows except those of the dormers are proposed to the rear elevation of the development. There are already bedroom windows on the rear elevation of the 2 storey back additions. The revised scheme is therefore considered not to have any negative impact on amenity of adjoining properties in terms of overlooking and privacy.

33 **Traffic issues**

The proposal would increase the number of residential units by 3. No provision for off- street car parking has been provided, this is due to the constrained nature of the site being an existing building with commercial use on the ground floor. Overall, it is considered the existing three units having 3 and 5 bedrooms could easily attract a similar level of car ownership as the six 2 and 1 bedroom units proposed.

34 The site is not within a CPZ and thus the scheme could not be put forward as 'car-free'. Parking in Zenoria Street, East Dulwich Grove and Oxonian Street is close to capacity in terms of the levels of on- street parking available but this is due to the variety of uses in the area, the owners of business, their employees and customers.

35 The site is located on a main road which is served by a variety of bus routes and the residential units, by their small nature (1 and 2 bedrooms) are well-suited to a neighbourhood centre location.

36 Furthermore, the proposal is in line with government guidance which advocates the relaxation of car parking standards for the reuse of brownfield sites, especially if the site is located within easy access of public transport services. The site is within an area with a Public Transport Accessibility Level (PTAL) of 3 which is average, 6 being the highest. In the circumstances, the lack of off-street car parking provision is, on balance, considered acceptable.

37 **Design issues**

38 The design and appearance of the roof extension would be of an acceptable scale and are not considered to be out of keeping with the general character of the area.

39 The other elevational alterations to the side and front elevations would be relatively minimal and would not materially detract from the appearance of the building to such a degree that they would result in demonstrable harm and are thus considered acceptable.

Conclusion

The main area of concern with the application is the lack of off-street parking in an area with many uses that attract people at different times. The Council's policy is to seek to minimise the use of the car by locating developments in areas well served by local amenities. The proposed flats would be in close proximity to a variety of local shops and other services providing a sustainable form of development as well as making the best possible use of the property with units of a size appropriate to their location above a shop. The proposal is

generally in compliance with the policies of the Emerging and Adopted Plan and in line with Government guidance. It is accordingly being recommended for approval.

COMMUNITY IMPACT STATEMENT

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

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

b] The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as: the acceptability of the design of the roof extension in the streetscape, the impact on local residents amenities and the impact on traffic and parking.

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

SUSTAINABLE DEVELOPMENT IMPLICATIONS

41 The proposal would make more efficient use of a site within a neighbourhood centre location. Additional residential units would add to the vitality and economic viability of the area.

LEAD OFFICER	Ms Joe Battye	Head of Development & Building Control
REPORT AUTHOR	Andrew Pratt	Planning Officer Development Control [tel. 020 7525 5365]
CASE FILE	TP/2315-8	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

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	Park Hill Homes Ltd	Reg. Number	05-AP-2582
Application Type	Full Planning Permission	Case Number	TP/2315-26
Recommendation	Grant		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Conversion of existing three flats [1 x five-bedroom and 2 x three-bedroom] at 1st & 2nd floor level and roof space, together with the formation of two rear dormer windows to rear elevation the formation of new entrance to front elevation, to provide 6 flats [3 x one-bedroom and 3 x two-bedroom]

At: 26-30 LORDSHIP LANE, LONDON, SE22 8HJ

In accordance with application received on 12/12/2005

and Applicant's Drawing Nos. Existing Floor Plans (00)01, 02, 03, 04, Proposed Floor Plans(00)01 Rev D, 02, Rev D 03 Rev D, (11) 04 Rev D, 05 Rev C and Parking Survey

Subject to the following conditions:

- 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 facing materials used in the carrying out of this permission shall match the original facing materials in type, colour, dimensions, and in the case of brickwork, bond and coursing and pointing.

Reason

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan.

- 3 No meter boxes, flues (including balanced flues), vents or pipes [other than rainwater pipes] or other appurtenances not shown on the approved drawings shall be fixed or installed on the street elevation[s] of the building[s] without the prior written approval of the Local Planning Authority.

Reason

- 4 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the dwellings before those dwellings are occupied and the facilities provided shall thereafter be retained and shall not be used or the space used for any other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential

vermin/pest nuisance in accordance with Policy E.3.1: Protection of Amenity and Policy T.1.3: Design of Development and Conformity with Council's Standards and Controls of Southwark's Unitary Development Plan.

- 5 The cycle storage facilities as shown on drawing (00) 01 REV C shall be provided before the units hereby approved are occupied and thereafter such facilities shall be retained and the space used for no other purpose without prior written consent of the local planning authority.

Reason

To ensure that satisfactory safe and secure bicycle parking is provided and retained for the benefit of the users and occupiers of the building in order to encourage the use of alternative means of transport and to reduce reliance on the use of the private car in accordance with Policy E.3.1 'Protection of Amenity' and T.1.3 'Design in Conformity with Council Standards' of the Southwark Unitary Development Plan.

Reasons for granting planning permission.

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

- a] Policies 3.2 'Protection of Amenity', 3.11 'Quality in Design', 3.13 'Urban Design', 4.2 'Quality of Residential Accommodation' and 5.2 'Transport Impacts' of The Southwark Plan [Modifications Version] 2006
- b] Policies E.2.3 'Aesthetic Control', E.3.1 'Protection of Amenity', H.1.8 'Standards for New Housing', H.3.4 'Standards for Conversions', S.1.7 'Upper Floors of Shops' and T.1.3 'Design of Development and Conformity with Council Standards and Controls' of the Southwark Unitary Development Plan 1995 and adopted Supplementary Planning Guidance No.5 'Standards, Controls and Guidelines for Residential Development'.

Planning permission was granted as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.

Item No.	Classification	Decision Level	Date
2	OPEN	DELEGATED	09/1/2007
From Head of Development and Building Control		Title of Report DEVELOPMENT CONTROL	
Proposal (06-AP-1644) Demolition of a single garage, and construction of a two-storey front extension and one-storey rear extension to provide additional residential accommodation to dwellinghouse.		Address 25 Hitherwood Drive, London, SE19 1XA Ward College	

PURPOSE

- 1 To consider the above application. This application requires Planning Committee consideration as 3 letters in objection have been received.

RECOMMENDATION

- 2 To grant planning permission, subject to conditions.

BACKGROUND

Site location and description

- 3 The subject site is located on the western side of Hitherwood Drive, a residential road characterised by large predominately detached two-storey properties with typically generous rear garden areas.
- 4 The building is not listed and is not situated within a conservation area.

Details of proposal

- 5 Planning permission is sought for the demolition of a single garage, and the construction of a two-storey front extension. Permission is also sought for a full width, single-storey rear extension.
- 6 The rear extension features a flat roof with roof lights, it would project between 3 to 4 metres from the rear of the original dwelling and have a maximum height of 3.3 metres. It would extend across the full width of the house (9.8 metres), leaving a gap of 1 metre between the boundary fence with no. 27 and 0.8 metres between the boundary fence with no. 23 Hitherwood Drive.
- 7 The works proposed at the front of the dwelling would involve the demolition of the existing garage, with the new extension being 1.5 metres wider than the garage at 4.3 metres. The proposed front extension would have a hipped roof which would join onto the main roof slope. The extension would have a maximum height at the apex of the roof of 7.1 metres.

Planning history

- 8 There have been two previous applications for variations of the current

proposal during 2006. The two-storey front extension has remained constant in all 3 applications, however the rear extension has been varied each time, as a result of concerns held by Dulwich Estate and neighbouring properties.

9 The first application (06-AP-0542) featured a rear extension with a maximum height of 3.9 metres (at the rear most wall) with a roof line that sloped upwards from the main dwelling. The extension projected 3.9 metres from the rear of the dwelling and featured a deck 1.1 metres above ground level which protruded a further 2 metres with steps in the centre leading up to french doors. An extension to the front of the dwelling was also proposed with the existing garage being built over at a maximum height of 7.1 metres. The application was withdrawn.

10 The second application (06-AP-1100) reduced the overall bulk of the rear extension with the height being 3.5 metres and the projection from the rear of the original dwelling 3 metres. The deck was retained and projected a further 3 metres at a maximum height above ground level of 1.1 metres. The proposed extension to the front elevation was unchanged. This application was also withdrawn by the applicant.

Planning history of adjoining sites

11 There is no history relevant to the properties adjacent the subject site however it is worth considering that several properties on Hitherwood Drive feature similar style front facades as a result of applications for planning permission that have been granted.

98-AP-1671 : 35 Hitherwood Drive

12 Erection of two storey extension at front with two storey and single storey extensions to the rear.

98-AP-1086 : 13 Hitherwood Drive

13 Single storey rear extension, first floor front extension over existing garage projection.

FACTORS FOR CONSIDERATION

Main Issues

14 The main issues in this case are:

a] the principle of the development in terms of land use and conformity with strategic policies.

b] amenity of neighbouring properties

c] character of the surrounding area, particularly in regards to the street scene.

Planning Policy

15 At its meeting on 29th June 2006 the Council resolved to adopt the Southwark Plan subject to modifications. Therefore apart from a small number of exceptions, the policies in the Southwark Plan now have significant weight in the determining of planning applications. Whilst the 1995 Unitary Development Plan remains the statutory Development Plan until such time as the Southwark

Plan is formally adopted it is likely that, in determining pending applications, the Council will give predominant weight to Southwark Plan policies. Upon formal adoption the policies in the Southwark Plan will be applied unless material considerations indicate otherwise.

Southwark Plan 2006 [Modifications Version]

- 16 3.2 'Protection of Amenity'
3.11 'Quality in Design'
3.13 Urban Design

Southwark Unitary Development Plan 1995 [UDP]

- 17 E.2.3 'Aesthetic Control'
E.3.1 'Protection of Amenity'

Consultations

- 18 Site Notice 27/09/06

- 19 Press Notice NA

Neighbour consultees

- 20 6 Hitherwood Drive
8 Hitherwood Drive
10 Hitherwood Drive
23 Hitherwood Drive
27 Hitherwood Drive

Consultation replies

Neighbour consultees

- 21 10 Hitherwood Drive - Objects based on the following points:
- enlarged house out of proportion with plot size
 - visually dominating windows in front elevation
 - temporary effects associated with construction including location of skips in street, delivery lorries, building materials
- 22 23 Hitherwood Drive - Objects based on the following points:
- rear extension too close to my conservatory
 - restricts light and views
 - out of character with other extensions on Hitherwood Drive
- 23 27 Hitherwood Drive - Objects based on following points:
- width of rear extension too big and will affect light to our kitchen
 - losing light as a result of front extension
 - loss of privacy from terrace

PLANNING CONSIDERATIONS

Principle of development

- 24 There are no objections as such to the principle of an extension to the property.

25 Character of the area and street scene

Hitherwood Drive is characterised by relatively modern detached dwellings. The proposed front extension to the subject dwelling is representative of several within the street where garages have been built over to provide for additional residential accommodation.

26

The garage, being the front most building line of the dwelling, is set approximately 12 metres from the carriage way of Hitherwood Drive, as is the dwelling to the north (23 Hitherwood Drive). Once the extension is complete the dwelling would take on a similar appearance to the aforementioned property and others in the area, with a ground and first floor projection away from the main dwelling towards the road. The design of the windows to the front of the property would match those of the adjoining ground floor front window and would be proportionate to the size of the extension.

27

The proposed rear extension would not be easily viewed from surrounding residences. As previously outlined, the proposed full width rear extension has been altered several times in order to address concerns held by neighbours in regards to its prominence as viewed from the rear of their properties. A generous garden area would remain, as is required within the Supplementary Planning Guidance (Residential extensions).

28

The materials used in the construction of the extension to the front would match the brick work and tiling of the host dwelling. The rear extension would be flanked by brick walls which would match the existing. These would then have timber trellising fixed on the outside wall. The rear elevation would be glazed in order to maximise internal light and outlook from within.

29

Overall it is considered that the proposed extensions to the front and rear, although significant in size, would not appear out of proportion or obtrusive within the surrounding area and would not detract from the established character of the area or the street scene.

30

Amenity

In respect of the two storey extension at the front of the house concern has been raised about the outlook and loss of light to the adjoining property at no. 27 Hitherwood Drive, in particular the three windows on the side elevation currently looking out over the existing single storey garage structure.

31

These windows are all bathroom windows and are therefore non-habitable rooms. There is no requirement under the Building Research Establishment (BRE) guidance, which is the reference used to assess levels of light loss, to ensure light to bathrooms. It is acknowledged that the view and a certain amount of daylight would be lost as a result of the proposed development but that this would not be a sustainable reason for refusal.

32

The rear extension, would for the most part project 3 metres from the rear of the original dwelling, a small section adjoining no. 23 extends out 4 metres from the main dwelling. The extension is set in on both sides away from the boundary with nos. 23 and 27 Hitherwood Drive. There is a difference in land levels between the properties and the garden slopes away from the main house. In terms of the impact this has on no. 23 there is already a single storey conservatory 0.5 metres from the boundary of the two properties, the

existing conservatory extends out 3 metres from no. 23. The proposed extension would be 0.8 metres from the boundary, the existing 2 metre high fence is retained. The proposed extension would be 4 metres high and would reduce to 3.5 metres. The objection is to the loss of a view, which even in the current situation is limited due to the existing fence, the better views from the conservatory being those overlooking the gardens of the property at no. 23. It would be unreasonable to withhold consent for the loss of a view over an existing fence.

In respect of no. 27, there is a separation of 1.7 metres between the proposed extension and no. 27. The height of the extension increases from 3 metres to 3.5 metres as the land slopes down. Whilst this is high given the separation between the two properties and the depth of the extension at 3 metres it is considered that the whilst there would be some loss of daylight to the ground floor window resulting from the extension the impact upon no. 23 would be not be so significant so as to warrant refusal of the application, in that the levels of daylight received by that window would not be so severe as to breach the recommended guidelines.

The proposal original included a terrace leading out from the extension. Due to the gardens sloping away from the property and the fencing reflective of the ground level, this would have meant that the terrace would have been higher than the fence which increased the opportunity for overlooking of the gardens of the adjoining properties. This element of the proposal has been removed and the extension would lead to steps down into the garden.

Design

The proposed design, particularly in relation to the front elevation, is reflective of several other dwellings on Hitherwood Drive. The large windows at ground and first floor levels would be in keeping with the existing dwelling as well as neighbouring properties.

The full width extension at the rear is of relatively modern design, with extensive use of glazing and some timber. This extension is not visible from the public domain and would not undermine the character of the area. Overall the design is considered to be acceptable within its surrounds.

Conclusion

It is considered that the proposed extensions to the front and rear, would not appear out of proportion or obtrusive within the surrounding area and would not detract from the established character of the area or the street scene. The proposed rear extension falls within Councils Supplementary Planning Guidance for Residential Development.

The proposal is considered to be in keeping with the relevant policies contained within the Adopted and Emerging UDP's aimed at the protection and enhancement of amenity levels ('Protection of Amenity', 'Aesthetic Control', 'Quality in Design' and 'Urban Design').

COMMUNITY IMPACT STATEMENT

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.

40 The impact on local people is set out above.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

41 None

LEAD OFFICER	Ms Joe Battye	Head of Development & Building Control
REPORT AUTHOR	Daniel Byrne	Planning Officer Development Control [tel. 020 7525 5440]
CASE FILE	TP/2814-25	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

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 Sonal Patel	Reg. Number	06-AP-1644
Application Type Recommendation	Full Planning Permission Grant	Case Number	TP/2814-25

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of a single garage, and construction of a two-storey front extension and one-storey rear extension to provide additional residential accommodation to dwellinghouse.

At: 25 HITHERWOOD DRIVE, LONDON, SE19 1XA

In accordance with application received on 22/08/2006 08:48:25

and Applicant's Drawing Nos. 0517 010 B, 0517 020 T, 0517 023 L, 0517 024 P

0517/237& 0517/021/J (12.09.06)

Subject to the following conditions:

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

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with Policy E.2.3 'Aesthetic Control' of the Southwark Unitary Development Plan 1995 and Policies 3.11 'Quality in Design' and 3.13 'Urban Design' of the Revised Deposit UDP, The Southwark Plan, February 2005.

- 3 The landscaping and planting shown on the drawings hereby approved shall be carried out in the first appropriate planting season following the completion of the building works.

Reason

In the interest of the amenity of the local area in accordance with Policy 3.2 'Protection of Amenity of the Southwark Plan (Modifications Version) 2006 and Policy E.3.1 'Protection of Amenity' of the Adopted Unitary Development Plan 1995.

Reasons for granting planning permission.

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

- a] Policies 3.2 'Protection of Amenity', 3.11 'Quality in Design' and 3.13 Urban Design

of the Southwark Plan 2006 [Modifications Version].

- b] Policies E.2.3 'Aesthetic Control' and E.3.1 'Protection of Amenity' of The Southwark Unitary Development Plan 1995
- c] Planning Policy Guidance and Statements [Supplementary Planning Guidance No. 5 Standards, Controls and Guidelines for Residential Development 2002].

Planning permission was granted as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.

Item No.	Classification	For Information	Date
	OPEN	Dulwich Community Council	9/1/2007
		Title of Report	
		DEVELOPMENT CONTROL	
Proposal (03-EQ-0043)		Address	
Redevelopment of site to provide new residential dwellings		116 Woodland Road, SE19	
		Ward College	

PURPOSE

- 1 To view details of a forthcoming application
- 2 **Planning history**
Planning permission was refused on 27/2/2002 for the demolition of existing derelict garages & construction of 3 storey building to provide temporary residential accommodation and a 2 storey care takers house, lay out one parking space and hard and soft landscaping.
- 3 **Details of proposal**
The applicant has prepared three options for the site.

Option 1 - A total of 15 units comprising
4 x 4 bed houses
7 x 2 bed flats
4 x 1 bed flats

Option 2 - A total of 13 units comprising
4 x 4 bed houses
7 x 2 bed flats
2 x 4 bed maisonettes

Option 3 - A total of 14 units comprising
4 x 4 bed houses
9 x 2 bed flats
1 x 4 bed maisonette

All of the buildings would range in height from 2 1/2 to 4 storeys.

A submission of the proposal is attached.

LEAD OFFICER Ms Joe Battye Head of Development & Building Control
REPORT AUTHOR Sonia Watson Team Leader Development Control [tel. 020 7525 5434]

CASE FILE TP/2575-116
Papers held at: Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]

Item No.	Classification: Open	Date: 09/01/07	MEETING NAME Dulwich Community Council Planning
Report title:		Committee Report-Tree Preservation order (no 326) 54 Peckarmans Wood, SE26	
Ward(s) or groups affected:		Village	
From:		Ernst Erasmus-Arbicultural officer	

RECOMMENDATION(S)

Confirm Tree Preservation Order no 326

BACKGROUND INFORMATION

Peckarmans Wood falls within a conservation area. Trees located in conservation areas enjoy a degree of statutory protection by virtue of their status. Vulnerable trees within such areas are frequently made subject to Tree Preservation Orders (TPO's) under the Town & Country Planning Act 1990. These orders provide the respective tree with a greater degree of protection by enabling Local Authorities to enforce against any wilful damage or destruction to them.

Peckarmans Wood formed part of the very old North Wood. This included tracts of land with mature trees, which supported a healthy ecosystem. Increased development unfortunately meant that more houses were build and that meant the decline of the once glorious wood.

The Great North Wood once ran from Croydon to Camberwell. Now little remains. One of the larger fragments is made up of Sydenham Hill Wood and Dulwich Woods.

The owners of 54 Peckarmans Wood applied in July of 2004 to remove one of their Ash trees. The one that was removed was deformed and was causing competition for the other Ash tree. The removal of the tree permitted more light to filter through, allowing the remaining tree to fully benefit from the nutrients in the ground. The understanding by the London Borough of Southwark and the owners was that permission would only be given for one of the trees to be removed as long as the second one was retained.

This view was supported by the letter written by the owners of 54 Peckarmans Wood to the Council, dated July 2004, which stated that the purpose of the removal of the deformed Ash tree was to 'allow the other ash tree to flourish further and to be more easily observed and appreciated'. That is totally contradictory to the current proposal to now remove the remaining Ash tree.

The owners of 54 Peckarmans Wood applied in September 2005 to remove the remaining Ash tree. The London Borough of Southwark refused this request and notified the owner that a TPO would be placed on the tree.

A Provisional TPO was subsequently placed on the tree on 17 February 2006. The Order contained a Section 201 direction, which secured the protection of the tree on a provisional basis for up to six months from the date of the making of the TPO. This order expired on 17 August 2006. Therefore, the tree currently does not have any protection under this provision.

Although the Local Planning Authority should be ready to make their decision on confirmation before the end of this period. If they fail to make their decision within the six-month period they are not prevented from confirming the TPO afterwards.

Policy implications

The policy implications are taken from the Southwark Unitary Development Plan 1995 and the new Emerging Southwark Plan, which is still in its draft form. Both policy documents should be read in conjunction with each other until the Southwark Plan is approved.

Southwark Unitary Development Plan (1995)

Objective E.4

To conserve, protect and enhance the character of areas, buildings, ancient monuments, historic areas, parks and gardens of environmental quality, architectural interest and historical importance.' (Southwark Unitary Development Plan 1995)

Policy E4.1:

The Council will seek to preserve and enhance the character and appearance of conservation areas. (Southwark Unitary Development Plan 1995)

Peckarmans Wood and the whole area benefit from the remaining Ash tree. The Ash tree that was deformed was removed more than a year ago providing the remaining Ash tree with more light and nutrients to develop.

Objective E.6

To protect, enhance and create sites of ecological value, sites of nature conservation importance and local nature reserves and to protect trees, for public amenity, health and education and for their own interest and value. (Southwark Unitary Development Plan 1995)

Policy E.6.1

The Council will make Tree Preservation Orders in the interest of amenity and where particular trees, groups of trees, hedges, copses or woods are threatened or whilst considering planning applications or the preparation of landscape proposals. (Southwark Unitary Development Plan 1995)

The making of a TPO would ensure that work is only carried out to the tree in accordance with best Arboricultural practice, thereby ensuring the tree longevity and the continuity of associated benefits to the local population.

Policy E6.3

The council will encourage the preservation, conservation and interpretation of existing areas of woodland and other habitats of ecological importance ...'
(Southwark Unitary Development Plan 1995)

The Ash tree enhances the streetscape of the area tremendously. The removal or indiscriminate pruning will detract from its amenity value.

Objective E.2

To create attractive, well-designed buildings, streets, squares and other urban spaces and to ensure the satisfactory functioning and accessibility of the urban environment to everybody. (Southwark Unitary Development Plan 1995)

New development and refurbishment should display a high standard of landscape and townscape design compatibility with safety and security to include where conditions permit:

(iii) Incorporation of existing planting and other features worthy of retention

The Ash tree is a striking feature as one enters Peckarmans Wood. It should be preserved for future generations. The tree is important in terms of its amenity value.

New Emerging Southwark Plan

Policy 3.1 - Environmental Effects

Planning permission for the establishment of uses that would cause material adverse effects on the environment will not be granted, and proposals for activities that will have a material adverse impact on the environment and quality of life will be refused.

Reasons

All new development has some kind of effect on the environment. This includes effects on ecosystems, natural resources (land, air and water), buildings and people. Effects can be temporary, permanent or cumulative.

The landscaping of the garden can be achieved with the retention of the Ash tree. The landscape and amenity value of the immediate vicinity will be negatively affected with the removal of the tree.

Policy 3.2 – Protection of Amenity

MOD

P3.2a

Planning permission for any development or change of use will not be granted where it would involve material cause loss of **amenity**, including disturbance from noise, to *present and future* residents and occupiers (*present and future*) of in the surrounding area or the present or future occupiers of on the application site or development.

Reasons

To protect the **amenity** of an area and quality of life for people living, or working in, or visiting the borough.

Policy 3.16 - Conservation Areas

MOD P

3.16a

Within conservation areas development should preserve or enhance the character or appearance of the area.

The Ash tree increases the amenity value of Peckarmans Wood and the surrounding conservation area.

Consultation

One submission was received objecting to the Tree Preservation Order:

i) Mr. Paul and Mrs Gilly Greenwood, owners of 54 Peckarmans Wood.

They are objecting to the TPO because:

- They are unable to undertake the redesign of their garden.
- The amenity of the local area will not be affected as they will be replacing it with two new trees
- The Dulwich Estate has given them permission to remove the Ash tree on condition that they replace it with two trees.

COMMENTS ON THE OBJECTION:

- The owners employed an Arboriculturist (Hal Appleyard from ACS Consulting) to advise them on the possibility of having their garden redesigned. It is clear from his report that they are able to redesign the garden with the retention of the tree.
- Mr. H. Appleyard also further mentioned that the tree is free from any defects. The tree can be classified as an important tree to be retained. British Standards 5837:1991 grades it as 'B' (trees where retention is desirable-Moderate category).
- Mr. H. Appleyard supplied the owners with a few options that are feasible and that will mean that the tree will be retained.
- Mr Greenwood states that the amenity value of the area will not be affected. The fact that the tree is a remnant from the North Wood contradicts his statement.
- The planting of two trees will not mitigate the loss of the Ash tree.
- The Dulwich Estate gave permission to the owners for the removal on the 12th September 2005. The permission is valid for a period of only 26 weeks. This permission expired on 10th of March 2006 with the tree still in situ.
- The Dulwich Estate will only re-issue the approval if the tree is causing subsidence and evidential proof is provided.

CONCLUSION

The report prepared by the Arboriculturist instructed by Mr and Mrs Greenwood clearly states that the garden can be redesigned without the loss of the tree. The tree is very important in terms of its amenity value and wildlife refuge.

It is therefore recommended that the order be confirmed either with or without modifications.

BACKGROUND DOCUMENTS

- 1 Department of Environment Transport regions. Tree Preservation Orders: A guide to the Law and Good Practice. London. 2000
- 2 London Borough of Southwark. Unitary Development Plan. London 1995
- 3 Tree Preservation Order for this tree. Made on the 9th of March 2006.

- 4 Report by Hall Appleyard on the Ash tree. 22nd June 2005.
- 5 The Dulwich Estate. Agreement of tree removal between Dulwich Estate and the owner of 54 Peckarmans Wood. 12th September 2005
- 6 The Emerging Southwark Plan. London Borough of Southwark

APPENDIX A

Audit Trail

Lead Officer	Gill Davies, Environment and Leisure Dept	
Report Author	Ernst Erasmus, Arboricultural Officer	
Version	Draft	
Dated	22 December 2006	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Borough Solicitor & Secretary	Yes	
Chief Finance Officer	No	
<i>List other Officers here</i>		
Executive Member	Yes/No	Yes/No
Date final report sent to Constitutional Support Services		

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