

**COMMUNITY COUNCILS**  
A voice for your community



## **Dulwich Community Council Agenda Planning Meeting**

**Date: Tuesday 12 June 2007**

**Time: 7.00 PM**

**Place: Dulwich Library, 368 Lordship Lane, London SE22 8NB**

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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 9 May 2007
  
6. **Non Development Item:**  
Tree Preservation order (no 323) Alleyn School, Townley Road, SE22
  
7. **Development Control Items:**  
  
Item 7/1 – Recommendation: Part approve, part refuse - split decision – 119 Park Hall Road, London SE21 8ES
  
8. **Closing Comments by the Chair**

## ADDITIONAL INFORMATION

### **Dulwich Community Council Membership**

Cllr Nick Vineall - Chair  
Cllr Michelle Holford - Vice Chair  
Cllr James Barber  
Cllr Toby Eckersley  
Cllr Kim Humphreys  
Cllr Robin Crookshank Hilton  
Cllr Lewis Robinson  
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](mailto:beverley.olamijulo@southwark.gov.uk)

Council Website: [www.southwark.gov.uk](http://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

আপনি যদি আপনার ভাষায় কমিউনিটি কাউন্সিল সম্বন্ধে তথ্য চান তাহলে অনুগ্রহ করে 020 7525 0640 নম্বরে টেলিফোন করুন

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

## Bengali

Kendi dilinizde Toplum meclisleri hakkønda bilgi almak için 020 7525 7514'nolu telefonu arayønøz.

Özel gereksinimlerinizi bize bildirmek için 020 7525 7514'nolu telefonu çeviriniz.

## Turkish

Haddii aad doonayso warbixin ku saabsan qoraalka Kawnsalkada Bulshada oo ku

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

欲想通知我們你有的特別需求或需要，例如接送車輛或手語/傳譯員，請致電通知，號碼：020 7525 0640

## Chinese

Se voce quiser informações nos conselhos comunitários traduzidas em sua língua por favor ligue para 020 7525 7514

Para-nos informar de quaisquer necessidades especiais ou requisitos , tipo transporte,

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

## Portuguese

Si vous désirer avoir l'information sur les Conseils de la Communauté (Community Councils) traduite en votre langue téléphonez SVP au 020 7525 7514

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

**French**

Si precisa información sobre los departamentos sociales (Community Councils) traducida a su idioma, por favor llame al número de teléfono 020 7525 7514  
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**

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 12/06/07	<b>MEETING NAME</b> Dulwich Community Council (Planning)
<b>Report title:</b>		<i>Committee Report-Tree Preservation order (no 323) Alleyn School, Townley Road, SE22</i>	
<b>Ward(s) or groups affected:</b>		Village	
<b>From:</b>		Ernst Erasmus-Arbicultural officer	

## RECOMMENDATION(S)

Confirm Tree Preservation Order no 323

## BACKGROUND INFORMATION

Alleyns School is partly located within the Dulwich conservation area and partly outside. 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.

2 Beech trees and one Horse Chestnut tree (marked T1, T2 and T3 on the attached plan) are located outside the conservation area these trees can be seen from Townley Road and provide a screen between the school and Colwell Road creating privacy and increasing the amenity value of the area.

On 3/07/2006 HSBC Insurance Brokers Limited wrote to Alleyn's School requesting the removal of the 3 trees located at the rear of 17 Colwell Road due to concerns regarding the causing of subsidence to the property located at 17 Colwell Court. Mr. Trevor Maroney (the then school bursar) alerted the London Borough of Southwark.

In view of the unprotected status of all three trees a provisional Tree Preservation Order (TPO) was made on 8 December 2006 to secure their immediate protection and ensure they were not removed.

Marishal Thompson & Co made the following recommendations in regards to the three trees:

T1-	Beech	Reduce to 12 in height and 8 m spread.
T2-	Beech	Remove subject to heave assessment
T3-	Horse chestnut	Remove

The report by Howard Ruse and Associates identified a desiccated soil to the rear of Colwell Court. Roots from both the Horse chestnut and Beech trees were also found. Howard Ruse and Associates further made the observation that heave might occur but as Davies put it 'Whilst there may be some additional damage of a relatively minor nature during this process...'

The drainage survey by Drain Line in Surrey indicates a few leaks but nothing serious.

The crack monitoring shows very slight movement (according to the BRE 251), which according to them can be treated during normal decoration.

Howard Ruse Associates recommended that the property should be underpinned at a cost of approx £50 000. The degree of cracking suggest that the property can be made stable by a) doing redecoration and b) regular pruning of the trees.

### **Policy implications**

At its meeting on 28<sup>th</sup> March 2007 the Council resolved to adopt the emerging Southwark Unitary Development Plan (March 2007) subject to further referral to the Secretary of State. The policies in the Southwark Unitary Development Plan 2007 now have significant weight. Whilst the 1995 Unitary Development Plan 1995 remains the statutory development plan until such time as the Southwark Unitary Development Plan 2007 is formally adopted, the Council will give predominant weight to the 2007 plan policies.

### **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)

The trees are clearly visible from Townley Road and increase the green character of Townley Road and Alley School.

#### **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 trees 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 exiting areas of woodland and other habitats of ecological importance ...'  
(Southwark Unitary Development Plan 1995)

The trees enhance Townley Road. The removal or indiscriminate pruning will detract from their 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 trees are important for the immediate environment.

### **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 trees have an important contribution to make to the area.

#### **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 trees increase the amenity value of Townley Road and the surrounding areas.



## Consultation

Four submissions (i-iv) were received objecting to the Tree Preservation Order. The submissions include:

- i) Jennie Paddon from 17A Colwell Court.  
Jennie Paddon is objecting to the TPO on the grounds that the trees are causing subsidence to flats B and C.
- ii) Carole E. Coyne from 19 Colwell Court  
She feels that the trees block out light to her garden and property. She is also concerned about the amount of water that the trees consume and finally she is concerned about the slight cracking in her house.  
She is generally not opposed to the TPO as long as the trees are regularly pruned.  
She recommended in her letter that the Horse Chestnut be thinned out and that the Beech tree should be maintained regularly.  
She appreciates the Copper Beech and does think that it is affecting her property.
- iii) Joanna Smith from 18B St Aidans Road (owner of 17C Colwell Court and Company Secretary and Director of the flat management company Colwell Court Ltd.  
Joanna Smith is objecting to the TPO on the grounds that the trees are causing subsidence to flats B and C.
- iv) Grainne McIntyre from 17B Colwell Road  
Grainne McIntyre is objecting to the TPO on the grounds that the trees are causing subsidence.

## COMMENTS ON THE OBJECTIONS:

- i) The main objection is that of subsidence.
- ii) It seems from the report by the Arboriculturist that all the immediate trees should be removed albeit one, which should be reduced.
- iii) Underpinning seems excessive when the crack monitoring only exhibits slight movement.
- iv) The TPO does not prevent the owners from pruning the trees on a regular basis.

## OTHER COMMENTS

Two professional bodies within Dulwich, the Trees Committee for the Dulwich Society (Stella Benwell) and the Dulwich Wildlife Society (Angela Wilkes) are in support of the Tree Preservation Order.

## LEGAL COMMENTS

This item is before the Dulwich Community Council because an objection has been lodged in respect of the provisional Tree Preservation Order (323) served by the Council on 8<sup>th</sup> December 2006.

At present, the confirmation of Tree Preservation Orders is not a planning function reserved to Community Council's for determination under Part 3H: (Matters Reserved to Community Council) of the Southwark Constitution 2006/7. However, the Council has followed this process where objections have been received for a number of years and this process is therefore considered to be established practice. The revised constitution 2007/08 will include a provision that where there are objections to Tree Preservation Orders, the confirmation of orders will be considered by members of the relevant community council exercising planning functions.

This approach is supported by guidance published by the Department for Communities and Local Government (Tree Preservation Orders: A Guide to the Law and Good Practice) encourages Local Planning Authorities to demonstrate that their decisions, when confirming such Orders, are taken in an even-handed and open manner.

As the Council is responsible for making and confirming Tree Preservation Orders, it is recommended that where objections are received, it should consider establishing procedures to safeguard the transparency of the process and ensure due consideration is given to any objections that are raised. Members are advised that this is best achieved by ensuring that it is not the same person who makes the decision to make the temporary Tree Preservation Order who determines whether the Tree Preservation Order should be made permanent where objections have been received. The guidance further suggests that this is achieved through the production of a report, including details of all objections received, that is then considered by a committee or sub-committee that will ultimately decide whether to confirm the Order with or without modification.

Adopting this procedure will also ensure that the Council complies with potential Human Rights implications e.g. the right to a fair trial (article 6) and Article 1, Protocol 1 (Protection of Property). The former article ensures that everyone has a right to be heard and the latter aims to ensure that everyone is entitled to peaceful enjoyment of one's possessions. It is important to note that not all rights operate in the same way. Some rights are absolute (of which there are very few) and cannot be interfered with under any circumstances. Other rights can be interfered with or limited in certain circumstances, for example where it is necessary in order to protect other people or the community.

In the circumstances it is considered to be within the remit of the community council to make the decision about whether or not to confirm the Tree Preservation Order.

## CONCLUSION

It is therefore recommended that the Tree Preservation Order be confirmed either with or without modifications. The trees have an important contribution to make to this area and the property be made stable by alternative methods.

## BACKGROUND DOCUMENTS

- 1 Department of Environment Transport regions. Tree Preservation Orders: A guide to the Law and Good Practise. London. 2000
- 2 London Borough of Southwark. Unitary Development Plan. London 1995
- 3 Tree Preservation Order for this tree. Made on the 8<sup>th</sup> December 2006.

## Audit Trail

<b>Lead Officer</b>	<i>Paul Evans, The Strategic Director of Regeneration and Neighbourhoods</i>	
<b>Report Author</b>	<i>Ernst Erasmus, Arboricultural Officer</i>	
<b>Version</b>	<i>Final</i>	
<b>Dated</b>	<i>29<sup>th</sup> May 2007</i>	
<b>Key Decision?</b>	Yes	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Borough Solicitor & Secretary	Yes	
Chief Finance Officer	No	
<i>List other Officers here</i>		
<b>Executive Member</b>	Yes/No	Yes/No
<b>Date final report sent to Constitutional Support Services</b>		

<b>Item No.</b> 7	<b>Classification:</b> Open	<b>Date:</b> 12 June 2007	<b>Meeting Name:</b> [Dulwich] Community Council
<b>Report title:</b>		<b>Development Control</b>	
<b>Ward(s) or groups affected:</b>		All within [Village, College and East Dulwich ] Community Council	
<b>From:</b>		Strategic Director of Regeneration and Neighbourhoods	

## 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 31 May 2006. The Matters Reserved to the Planning Committee and Community Councils Exercising Planning Functions are described in Part 3F of the Southwark Council Constitution 2006/07. 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**

#### **Legal comments**

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.
15. The development plan is currently the Southwark Unitary Development Plan adopted by the Council in July 1995 together with 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). Once adopted, the Southwark Plan (UDP) 2007 will replace the Southwark UDP July 1995, and until it is adopted it will be a material consideration to be afforded significant weight in the determination of planning applications.
16. 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.

17. 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Council Assembly Agenda 31 May 2006	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	[relevant Community Council officer] 020 7525 ----
Each application has a separate planning case file	Council Offices Chiltern Portland Street London SE27 3ES	The named case Officer as listed or David Stewart 020 7525 5447

## APPENDIX 1

### Audit Trail

<b><u>Lead Officer</u></b>	Deborah Collins, Director of Legal & Democratic Services	
<b>Report Author</b>	Ellen FitzGerald, Principal Planning Lawyer (NZ Qualified) [relevant officer], Constitutional Support Officer (Executive)	
<b>Version</b>	Final	
<b><u>Dated</u></b>		
<b><u>Key Decision</u></b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Deborah Collins, Director of Legal & Democratic Services	Yes	Yes
Paul Evans Strategic Director of Regeneration and Neighbourhoods	No	No
David Stewart Development & Building Control Manager	No	Yes



## ITEMS ON AGENDA OF THE DULWICH CC

on Tuesday 12 June 2007

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**Appl. Type** Advertisement Consent  
**Site** 119 PARK HALL ROAD, LONDON, SE21 8ES

**Reg. No.** 06-AP-1086  
**TP No.** TP/ADV/2548-119  
**Ward** College  
**Officer** Alison Brittain

**Recommendation** SPLIT DECISION

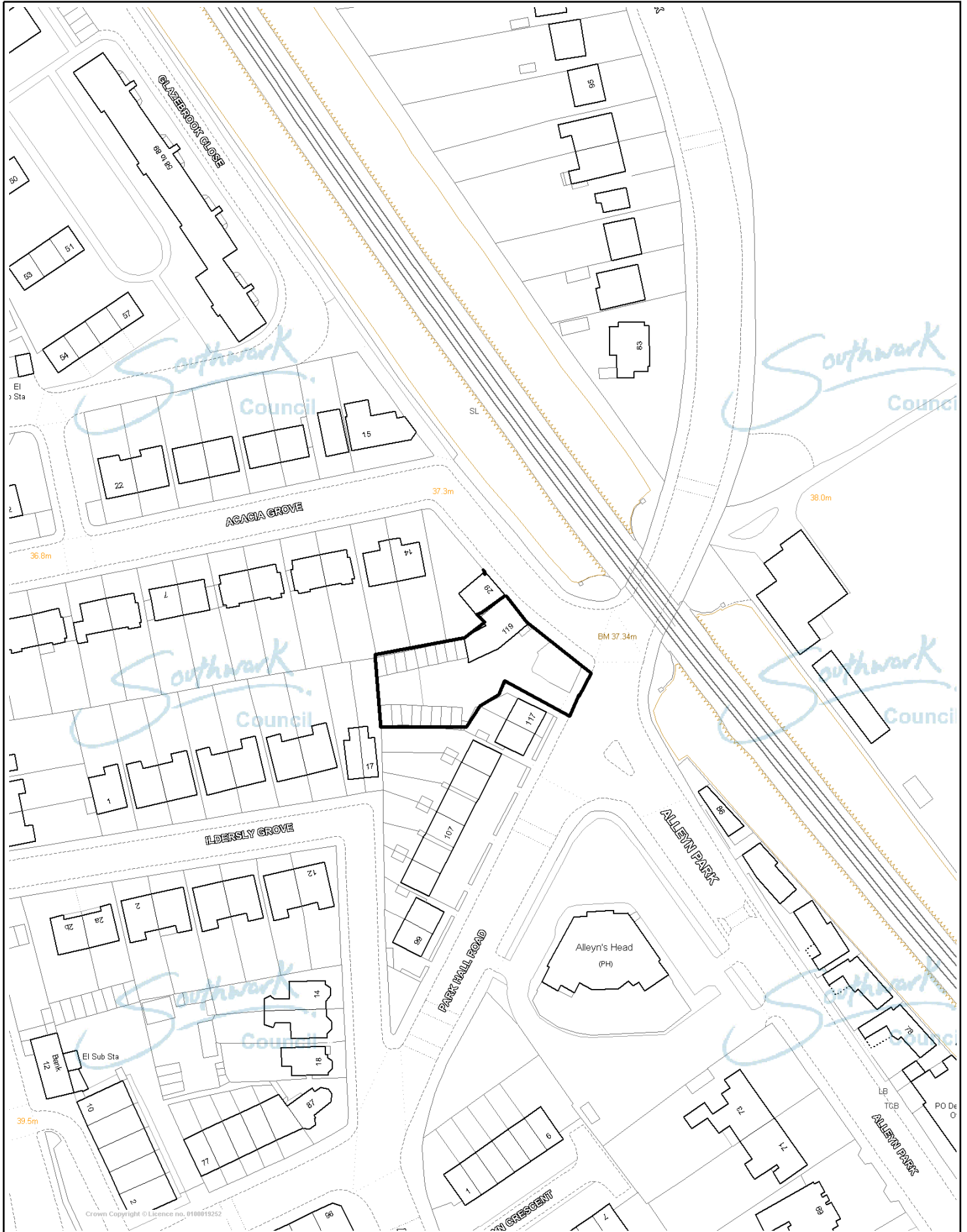
***Item 1/1***

**Proposal**

Erection of 4 advertisement signs: 2 no. internally illuminated signs, 1 no. internally illuminated roundel sign and 1 no. internally illuminated double sided post sign.

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# 119 Park Hall Road



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Scale 1/1250  
Date 4/6/2007

Southwark  
Council

<b>Item No:</b> <b>1</b>	<b>Classification</b> OPEN	<b>Decision Level</b> DULWICH COMMUNITY COUNCIL	<b>Date</b> 12-06-07
<b>From</b> Interim Development and Building Control Manager		<b>Title of Report</b> DEVELOPMENT CONTROL	
<b>Proposal</b> (06-AP-1086 ) Erection of 4 advertisement signs: 2 no. internally illuminated signs, 1 no. internally illuminated roundel sign and 1 no. internally illuminated double sided post sign.		<b>Address</b> 119 PARK HALL ROAD, LONDON, SE21 8ES <b>Ward</b> College	

## PURPOSE

- 1 To consider the above application for signage, which is reported to the Dulwich Community Council due to the number of objections received.

## RECOMMENDATION

- 2 Part approve, part refuse - split decision.

## BACKGROUND

### Site location and description

- 3 The application site is located to the western end of Park Hall Road at its junction with Acacia Grove. The application building is in used as a wine shop/warehouse on the ground floor, with residential over. It is of 2 storeys, with associated parking area. This application relates to signage on the ground floor and first floor of the building. The building has 2 frontages: one to the street, and one immediately to the car parking area, although the latter is readily visible in street and public views.

The property is not listed and is not within a conservation area. There are nearby shops and a pub, but immediately to the northwest of the site, the character of the area is residential. The site is located close to the railway line bridge.

### Details of proposal

- 4 The proposal under consideration is for the display of 3 internally illuminated advertisement signs on the building and a free standing totem sign.
- 5 Two of the signs are already installed: these are internally illuminated fascias over the display windows to the street and car park frontages. They are black in colour, with trade logo and lettering. They fit over the display windows and below the first floor windows. Sign 1 (to the street) is 6m x 0.75m in size and sign 2 (to the car park) is of the same size.
- 6 Sign 3 is a first floor level sign on the car park elevation. This is also internally illuminated and measures 3m x 1.2m. This has not been installed.
- 7 Sign 4 is a totem sign to be located close to the street frontage within the car park. This is a double sided internally illuminated free standing sign 1.2m x 0.9m set on legs of just over 2m in height. As such, the overall height is just below 3m. This has also not been installed.

### **Planning history**

- 8 The site has been the subject of several redevelopment proposals. In 2000 an application for a detached house and a terrace of three dwelling houses at the rear of the site was submitted but later withdrawn by the applicant in 2001. In 2002 the Council granted planning permission for the demolition of the existing office and garage buildings and the erection of 2no. dwelling houses and associated parking.
- 9 In September 2004 planning permission was granted for the change of use of the premises to a children's' day nursery with an estimated capacity of 75-80 children aged between 3 months and 5 years together with the change of use of the workshop into a children's play and rest area, single storey office and storage area.
- 10 Planning permission was granted on 20/03/2006 for change of use of ground floor to retail within Use Class A1 together with the demolition of existing workshop and store buildings and erection of a new single storey ground floor building, associated alterations to elevations and provision of 11 car parking spaces.

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

- 11 None relevant.

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

- 12 The main issues in this case are:
- a] the principle of the development in terms of land use and conformity with strategic policies.
  - b] the acceptability of the signs and the impact on the surrounding area in terms of visual amenity and public safety.

### **Planning Policy**

- 13 At its meeting on 28<sup>th</sup> March 2007 the Council resolved to adopt the emerging Southwark Unitary Development Plan [Modifications version March 2007] subject to consultation on revised wording in respect of policies 4.1, 4.2 and 4.4 prior to formal adoption in June 2007. Whilst the 1995 Unitary Development Plan remains the statutory development plan until such time as the emerging plan is formally adopted, the Council will give predominant weight to the 2007 plan policies in determining pending applications unless material considerations indicate otherwise.

- 14 Southwark Plan 2006 [Modifications Version]

Policy 3.12 - Quality in Design

Policy 3.13 - Urban Design

Policy 3.2 - Protection of Amenity

Policy 3.23 - Outdoor Advertisements and Signage

- 15 Southwark Unitary Development Plan 1995 [UDP]

Policy E.2.3 - Aesthetic Control

Policy E.2.6 - Advertising Hoardings and Panels

Policy E.3.1 - Protection of Amenity

SPG No.8 - Outdoor Advertisements and Signage

### **Consultations**

16 Site Notice: 15/08/2006  
Press Notice: not required

17 Internal Consultees  
None

Statutory and non-statutory consultees

None

18 Neighbour consultees

12,13,14,15, 29 Acacia Grove, 15, 17 Ildersly Avenue  
111, 113, 115, 117, 119a Park Hall Road  
75, 87, 75-81 Alleyn Park

Re-consultation

Not required

**Consultation replies**

19 Internal Consultees

None

Statutory and non-statutory consultees

None

20 Neighbour consultees

Dulwich Estates - suggests that fascia sign facing Acacia Grove should be omitted  
87 Alleyn Park - object on grounds that the number of signs proposed are excessive and should be reduced . The illuminated signs would be out of keeping with the special character of the area and the conservation area that should be protected.  
15 Acacia Grove - object on grounds that the signs are offensive, will affect outlook, increase in light pollution.  
13 Acacia Grove - objects on grounds that the illuminated signs are intrusive and out of keeping with the area and the size of the signs being inappropriate.  
29 Acacia Grove - generally supportive subject to signs not being visible on Acacia Grove and of an appropriate design.

Re-consultation

87 Alleyn Park - do not object to the application.

**PLANNING CONSIDERATIONS**

**Principle of development**

21 The display of advertisements on this building, which has a history of commercial use, is considered acceptable in principle. The application raises no land use policy issues.

**Environmental impact assessment**

22 There are no specific environmental impact implications in so far as the proposed signs are concerned.

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

- 23 a) Fascia signs at ground floor level: these signs have already been installed. They fit snugly over the display windows and below the first floor windows. They have been reduced in size since the application was first submitted. These signs, whilst fairly long, and with internal illumination, are considered to relate reasonably to the architectural features of the host building. On balance, they are considered to be a form of advertisement that is acceptable on the building, and are not excessive and do not lead to visual clutter. Whilst one sign is located within Acacia Grove, which is predominantly residential in character, it is over a window with goods for sale on display and it is therefore considered reasonable. Objections have been received raising the issue of advertisements in Acacia Grove; however, it is not considered that the sign located here is so harmful to local amenities that its refusal could be justified.
- 24 b) First floor level sign to car park elevation: this sign is not considered acceptable. It is in a highly prominent location, is large and internally illuminated. It is not related to architectural features of the host building. It is considered harmful to the character of the building and the street scene, leading to advertisement clutter, and as such is contrary to the Council's policies relating to amenity and control of advertisements.
- 25 c) Totem sign: this sign is also not considered to be acceptable. It is tall and large, illuminated, separate from the commercial premises and in a very visually prominent corner location. It is unacceptable for the same reasons as the first floor level sign.

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

- 26 It is unlikely that any specific issues would arise.

### **Traffic issues**

- 27 There are no specific traffic issues in so far as the proposed signs are concerned. It is not considered that the advertisements will be harmful to pedestrian or vehicular safety.

### **Design issues**

- 28 Design issues have been largely dealt with above. In summary the fascia signs are considered acceptable in design terms, as they relate reasonably to the premises, are located over display windows and would not amount to an excessive display of signage on the building.
- 29 The high level and totem signs are considered to amount to advertisement clutter on a small site; are very prominently sited in highly visible locations; do not relate to the architecture of the host building and are not acceptable in design terms.

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

- 30 The proposal will not affect the character or setting of a listed building as the application property is not adjoined to one. Although the property is within close proximity of a conservation area it is not considered that the proposed signs will affect the character of the conservation area to any significant degree.

## **Planning obligations [S.106 undertaking or agreement]**

- 31 There are no S106 implications in so far as the proposal is concerned.

## **Other matters**

- 32 Letters of objection raise matters relating to the number and intrusiveness of the signs

within the area. It is considered that allowing 2 ground floor level fascia signs is an appropriate amount of commercial signage in this location. The high level and totem signs are considered excessive on this small site, and in this respect, the residents' concerns are supported.

### **Conclusion**

- 33 In conclusion the fascia signs are considered acceptable. The totem and first floor level signs are not.

### **COMMUNITY IMPACT STATEMENT**

- 34 The proposal is unlikely to result in a negative impact on the community to justify a refusal in this instance.
- 35 There are no particular communities that would be significantly affected by the proposal
- 36 There are no significant adverse implications on the community as a result of the proposed development.

### **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

- 37 None specific

LEAD OFFICER	Ms Joe Battye	Head of Development & Building Control
REPORT AUTHOR	Donald Hanciles	Snr Planning Officer Development Control [tel. 020 7525 5428]
CASE FILE	TP/ADV/2548-119	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

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## RECOMMENDATION

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

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<b>Applicant</b>	Majestic Wine Warehouse Ltd	<b>Reg. Number</b>	06-AP-1086
<b>Application Type</b>	Advertisement Consent		
<b>Recommendation</b>	Split Decision	<b>Case Number</b>	TP/ADV/2548-119

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### Draft of Decision Notice

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**EXPRESS CONSENT has been granted for the advertisement described as follows:**

Erection of 4 advertisement signs: 2 no. internally illuminated signs, 1 no. internally illuminated roundel sign and 1 no. internally illuminated double sided post sign.

**At:** 119 PARK HALL ROAD, LONDON, SE21 8ES

**In accordance with application received on** 07/06/2006

**and Applicant's Drawing Nos.** MAJ0027  
MAJ0024 rev 6 (rec'd 16/4/07)

**Subject to the following condition:**

Consent is granted for a period of 5 years and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as to otherwise render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason:

In the interests of amenity and public safety as required by Schedule 1 of the Town and Country Planning (Control of Advertisements) Regulations 1992 as amended.



DISTRIBUTION LIST

MUNICIPAL YEAR 2007/08

**COUNCIL: DULWICH COMMUNITY COUNCIL**

**NOTE:** Original held by Constitutional Support Unit; amendments to Beverley Olamijulo (Tel: 020 7525 7234)

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