

COMMUNITY COUNCILS
A voice for your community



Dulwich Community Council Agenda Planning Meeting

Date: Wednesday 14 January 2009

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 the previous meeting (to follow)

6. Development Control Items:

Item 6/1 – Recommendation: Grant – Land to the rear of 8 Whateley Road, London SE22 9DB (See pages 12 – 20)

Item 6/2 – Recommendation: Grant – 181 Denmark Hill, London SE5 8DX (See pages 21 – 33)

Item 6/3 – Recommendation: Confirm TPO – 47 Alleyn Park, London SE21 8AT (see pages 34 – 41)

7. Closing comments by the Chair

ADDITIONAL INFORMATION

Dulwich Community Council Membership

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

Carers' Allowances

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Deputations

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

Exclusion of Press and Public

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“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.”

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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

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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

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Spanish

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

Yoruba

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Yoruba

Item No. 6	Classification: Open	Date: 14 January 2009	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 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 planning business are detailed in Article 8 which describes the role and functions of the planning committee and Article 10 which describes the role and functions of community councils. These were agreed by the constitutional meeting of the Council on May 23 2007 and amended on January 30 2008. The matters reserved to the planning committee and community councils Exercising Planning Functions are described in part 3F of the Southwark council constitution 2007/08. These functions were delegated to the planning committee.

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 is 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 and Neighbourhoods budget.

EFFECT OF PROPOSED CHANGES ON THOSE AFFECTED

11. Equal opportunities considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Legal and Democratic Services

12. A resolution to grant planning permission shall mean that the Head of Development Control is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the Committee and issued under the signature of the Head of Development Control 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 Head of Development Control 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 Strategic Director of Legal and Democratic Services, and which is satisfactory to the Head of Development Control. 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 Strategic Director of Legal and Democratic Services. The planning permission will not be issued unless such an agreement is completed.

14. Section 70 of the Town and Country Planning Act 1990 as amended requires the Council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
15. The development plan is currently the Southwark Plan (UDP) 2007 adopted by the council in July 2007 and the London Plan (consolidated with alterations since 2004) published in February 2008. 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).
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

Background Papers	Held At	Contact
Council Assembly Agenda May 23 2007 and Council Assembly Agenda January 30 2008	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	[Beverley Olamijulo, Community Council officer] 020 7525 7234
Each application has a separate planning case file	Council Offices Chiltern Portland Street London SE27 3ES	The named case Officer as listed or Gary Rice 020 7525 5447

APPENDIX 1

Audit Trail

<u>Lead Officer</u>	Deborah Collins, Strategic Director of Legal & Democratic Services	
Report Author	Amma Boateng, Principal Planning Lawyer Constitutional Support Officer	
Version	Final	
Dated	Jan 6, 2009	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Legal and Democratic Services	Yes	Yes
Strategic Director of Regeneration and Neighbourhoods	No	No
Head of Development Control	No	No

ITEMS ON AGENDA OF THE DULWICH CC
on Wednesday 14 January 2009

Appl. Type Full Planning Permission
Site LAND TO THE REAR OF 8 WHATELEY ROAD, LONDON, SE22 9DB

Reg. No. 08-AP-2720
TP No. TP/2635-8
Ward East Dulwich
Officer Victoria Lewis

Recommendation GRANT PERMISSION
Proposal

Item 1/1

Excavation of site and erection of 2-storey dwelling with terrace at first floor level fronting Ulverscroft Road (Use Class C3)

Appl. Type Full Planning Permission
Site 181 DENMARK HILL, LONDON, SE5 8DX

Reg. No. 08-AP-2898
TP No. TP/2511-181
Ward Village
Officer Sonia Watson

Recommendation GRANT PERMISSION
Proposal

Item 1/2

Alteration and conversion of existing 2-storey property at front of site to provide two 4-bedroom houses and erection of two new 4 bedroom houses to the rear with associated car parking, amenity space and landscaping. The proposal includes demolition of a 2-storey former coach house to provide access to the dwellings at the rear and demolition of a single storey rear extension. Associated tree works.

Appl. Type Tree Preservation Order - works related
Site 47 ALLEYN PARK, LONDON, SE21 8AT

Reg. No. 08-AP-2392
TP No. TP/2549-47
Ward College
Officer Alison Brittain

Recommendation MAKE TREE PRESERVATION ORDER
Proposal

Item 1/3

Fell the Oak tree referenced as T1 and situated to the front of 47 Alleyn Park to ground level and treat stump.



1	Classification OPEN	Decision Level COMMUNITY COUNCIL	Date 14/ 01/09
From Head of Development Control		Title of Report DEVELOPMENT CONTROL	
Proposal: Excavation of site and erection of 2-storey dwelling with terrace at first floor level fronting Ulverscroft Road (Use Class C3)		Address LAND TO THE REAR OF 8 WHATELEY ROAD, LONDON, SE22 9DB Ward East Dulwich	
Application Start Date 11/11/2008		Application Expiry Date 06/01/2009	

PURPOSE

- 1 To consider the above application

RECOMMENDATION

- 2 Grant, subject to conditions.

BACKGROUND

Site location and description

The application site is located at the rear of numbers 4, 6 and 8 Whateley Road, adjacent to 93 Ulverscroft Road and is a hard surfaced area of land with a vehicular access onto Ulverscroft Road. The surrounding properties are predominantly Victorian terraced houses, some subdivided into flats. It is likely that the site historically formed part of the curtilage of numbers 4-8 Whateley Road. Ulverscroft Road is a quiet road characterised by late 19th century two storey residential properties. There are no listed buildings adjoining the site.

The site forms part of the urban density zone and an air quality management area.

Details of proposal

Full planning permission is sought for the erection of a 2-storey house attached to the flank wall of 93 Ulverscroft Road, at the rear of 8 Whateley Road; the site would be excavated to provide accommodation at lower ground and first floor level and there would be a terrace at first floor level fronting Ulverscroft Road.

Materials proposed are as follows:

- External walls - white render and wooden panels
- Roof - sedum (green roof)
- Windows and doors - timber and aluminium.

Planning history

08-AP-1475 - Excavation of site and erection of 2-storey dwelling with terrace at first floor level fronting Ulverscroft Road (Use Class C3). This application was WITHDRAWN in August 2008 following concerns that the height of the building would result in an unacceptable loss of outlook to the rear of properties on Whateley Road.

03-AP-2197 - Erection of a new single-storey dwelling with garden (to adjoin 93 Ulverscroft Road). Planning permission GRANTED in December 2004.

9700127 - planning permission for the erection of a 1-bedroom house on the site was REFUSED and an appeal was subsequently DISMISSED on the grounds that the proposal would be out of keeping with the surrounding area and would fail to provide reasonable privacy for future residents.

Planning history of adjoining sites

190b Crystal Palace Road

05-AP-2340 - Change of use of ground floor office into a residential unit together with the erection of a single storey rear extension and alterations to front elevation. Planning permission GRANTED in January 2006.

FACTORS FOR CONSIDERATION

Main Issues

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;
- c] traffic;
- d] design.

Planning Policy

Southwark Plan 2007 [July]

- 3.2 - Protection of amenity
- 3.7 - Waste reduction
- 3.11 - Efficient use of land
- 3.12 - Quality in design
- 3.13 - Urban design
- 4.1 - Density of residential development
- 4.2 - Quality of residential accommodation
- 5.2 - Transport impacts
- 5.3 - Walking and cycling

Residential Design Standards SPD (September 2008)

Consultations

Site Notice:

4th December 2008.

Press Notice:

Not required.

Internal Consultees

Transport Group
Access Officer

Statutory and non-statutory consultees

N/A.

Neighbour consultees

Notification letters have been sent to properties on Whateley Road, Ulverscroft Road and Crystal Palace Road.

Re-consultation

N/A.

Consultation replies

Internal Consultees

Transport Group

No objections on the grounds of lack of parking, as the proposal is only likely to displace one vehicle and adequate cycle parking is shown on the plans. An informative is recommended regarding reinstatement of a redundant crossover.

Access Officer

The unit has been designed to Lifetime Homes standards. The unit will have a level threshold to the ground floor main entrance and the garden.

Statutory and non-statutory consultees

N/A.

Neighbour consultees

Three representations have been received objecting to the proposal on the following grounds:

- loss of light;
- loss of view (not a material planning consideration);
- there has been considerable residential development in the area making it more crowded;
- the proposal would result in difficulties in maintaining the flank wall of 93 Ulverscroft Road (not a material planning consideration, covered separately under the building regulations);
- impact of excavation of site on the stability of 93 Ulverscroft Road (not a material

- planning consideration, covered separately under the building regulations);
- design out of keeping with the street;
- lack of parking;
- noise and disturbance during construction;

Re-consultation

N/A.

PLANNING CONSIDERATIONS

Principle of development

The principle of residential development on this site has already been established though the December 2004 permission which is extant. Although the Southwark Plan has been adopted since this earlier permission was granted, the site remains unallocated and is located in a residential area; as such there are no objections to the principle of the proposed development in this location.

Impact of proposed development on amenity of existing and future occupiers

Policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers; 4.2 requires all residential developments to provide good quality living conditions.

Existing occupiers

2-8 Whateley Road

The height of the proposed house in relation to the rears of 2-8 Whateley Road would remain as per the extant permission, as the additional floor of accommodation would be achieved by excavating the site by approximately 1.1m. There do not appear to have been any material changes to the rear of these properties since the earlier permission was granted and the impact in terms of levels of light and outlook is considered to be acceptable.

The proposed terrace at first floor level has the potential to overlook the rear gardens of 2-8 Whateley Road at close quarters, including into their rear windows. The plans show there would be a 1.5m trellis with climbers along the boundary with 8 Whateley Road but the details submitted are not clear enough with regard to views looking east towards numbers 2,4 and 6. As such, a condition requiring large-scale details of privacy screens to the terrace to be submitted for approval is recommended, to ensure compliance with policy 3.2 of the Southwark Plan.

Given the limited size of the site and its constrained nature, a condition removing permitted development rights is recommended, as any enlargements to the dwelling could be potentially harmful to the amenities of 2-8 Whateley Road.

93 Ulverscroft Road

The proposed house would not project beyond the rear of this property therefore there would be no impact in terms of levels of light or shadow and no loss of privacy would occur.

190-194 Crystal Palace Road

There would be a distance of approximately 6.5m between the rear of the proposed

house and the rear boundaries of 190-194 Crystal Palace Road. These properties have rear gardens measuring approximately 12m in length and as such it is considered that there would be no adverse impact with regard to light or shadow. The relationship in terms of privacy would be similar to the other properties which back onto each other on this part of Whateley Road and Crystal Palace Road.

Proposed occupiers

The proposed house would have 2-bedrooms, with the sleeping accommodation at lower ground floor and living accommodation on the first floor. With the exception of the living room, all the rooms would exceed minimum floor areas set out in the Residential Design Standards SPD. As the kitchen/diner would be 5m over the minimum size, there are no objections regarding the size of the living room. It is considered that the accommodation would receive adequate natural light and ventilation.

The proposal would provide approximately 12sqm of amenity space in the form of a small rear garden and the first floor terrace. Although this is well below the 50sqm recommended in the SPD, this is not considered to be sufficient grounds for refusing planning permission given the need to make an efficient use of land, and it is unlikely that this would be upheld at appeal.

Refuse and recycle storage would be conveniently located near to the front door, and a condition that these are provided prior to occupation and retained as such thereafter is recommended, to ensure compliance with policy 3.7 'Waste reduction' of the Southwark Plan.

Traffic issues

Policy 5.2 of the Southwark Plan seeks to ensure that developments would not result in any harm to highway safety; 5.6 establishes maximum parking standards which are set out at Appendix 15. The site has a medium public transport accessibility level (PTAL) and no off-street parking would be provided to serve the development.

There are no objections on the grounds of lack of parking, given that the site is within reasonable walking distance of Lordship Lane which is served by a number of busses and offers a range of local shops and services.

Two cycle parking spaces are shown on the plans and a condition requiring them to be provided prior to occupation and retained as such thereafter is recommended, to ensure compliance with policy 5.3 'Walking and cycling' of the Southwark Plan.

Design issues

Policies 3.12 and 3.13 of the Southwark Plan seek to ensure that developments achieve a high standard of design.

Concerns have been raised that the detailed design of the house would be out of keeping with the street. The proposal adopts a contemporary detailed design which is a marked move away from the extant permission, which shows a building mimicking the detailed design of the adjoining terrace on Ulverscroft Road, and would have appeared almost as a side extension to number 93. There are however, no objections to a contemporary design approach in this location. New buildings do not necessarily have to replicate their neighbours and the proposed house is considered to be of an appropriate scale for the site (its height being as per the extant permission) and it would address both the Ulverscroft Road and Whateley Road building lines, by aligning with the front elevation of 93 Ulverscroft Road then stepping forward to align

with the rear of 8 Whateley Road.

The use of render is considered to be acceptable as it is used in the vicinity, including at 93 Ulverscroft Road, and sedum roofs welcomed. There are concerns that the timber cladding could weather unevenly over time resulting in a poor quality appearance, therefore a condition requiring details and a sample to be submitted for approval is recommended and it may well be that the timber will have to be treated to ensure it does not weather unevenly.

n **Other matters**

Policy 4.1 of the Southwark Plan requires residential developments in the urban density zone to achieve a density of 200-400 habitable dwellings per hectare (lower density range). The proposal would achieve a density of 522 habitable rooms per hectare and is therefore contrary to policy 4.1. However, density ranges are to act as a guide to development and are not definitive. The scale of the development is considered to be appropriate to the site and the immediate area, and there are no concerns regarding overdevelopment.

Conclusion

Notwithstanding the issue of density, the proposal is considered to be acceptable and it is recommended that conditional planning permission be granted.

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.

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

SUSTAINABLE DEVELOPMENT IMPLICATIONS

The proposal would make use of an unused site, in accordance with sustainability aims and objectives.

LEAD OFFICER	Gary Rice	Head of Development Control
REPORT AUTHOR	Victoria Lewis	Senior Planner - Development Control [tel. 020 7525 5410]
CASE FILE	TP/2635-8	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

RECOMMENDATION LDD MONITORING FORM REQUIRED

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

Applicant Mr W. Hunter
Application Type Full Planning Permission
Recommendation Grant permission

Reg. Number 08-AP-2720

Case Number TP/2635-8

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Excavation of site and erection of 2-storey dwelling with terrace at first floor level fronting Ulverscroft Road (Use Class C3)

At: LAND TO THE REAR OF 8 WHATELEY ROAD, LONDON, SE22 9DB

In accordance with application received on 06/11/2008 08:00:18

and Applicant's Drawing Nos. 8177-OS MAP, 8177-A1-A(20)P01, 8177-A3-A(20)E1-C, 8177-A3-A(20)P1-C, 8177-A3-A(20)P2-C, Design and Access Statement.

Subject to the following condition:

- 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 Prior to the occupation of the dwelling, details of privacy screens to the first floor terrace (scale 1:20) shall be submitted to and approved in writing by the Local Planning Authority. The approved screens shall be provided prior to occupation of the dwelling and retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure no loss of privacy to 2-8 Whateley Road, in accordance with policy 3.2 'Protection of amenity' of the Southwark Plan 2007.

- 3 Notwithstanding the provisions of Schedule 2, Part 1, Classes A-H of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out to the dwelling without the prior written consent of the Local Planning Authority, to whom a planning application must be made.

Reason

Owing to the constrained nature of the site and the potential for any enlargements to adversely impact upon 2-8 Whateley Road and detract from the appearance of the building, in accordance with policy 3.2 'Protection of amenity', 3.12 'Quality in design' and 3.13 'Urban design' of the Southwark Plan 2007.

- 4 The refuse and recycling 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 3.7 'Waste reduction' of the Southwark Plan 2007.

- 5 The cycle storage facilities as shown on drawing number 8177-A3-A(20)P1-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 5.3 'Walking and cycling' of the Southwark Plan 2007.

- 6 Samples of the timber cladding to be used in the carrying out of this permission and details of its weathering properties shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of the timber cladding in the interest of the appearance of the building in accordance with policies 3.12 'Quality in design' and 3.13 'Urban design' of the Southwark Plan 2007.

- 7 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 policies 3.12 'Quality in design' and 3.13 'Urban design' of the Southwark Plan 2007.

Reasons for granting planning permission.

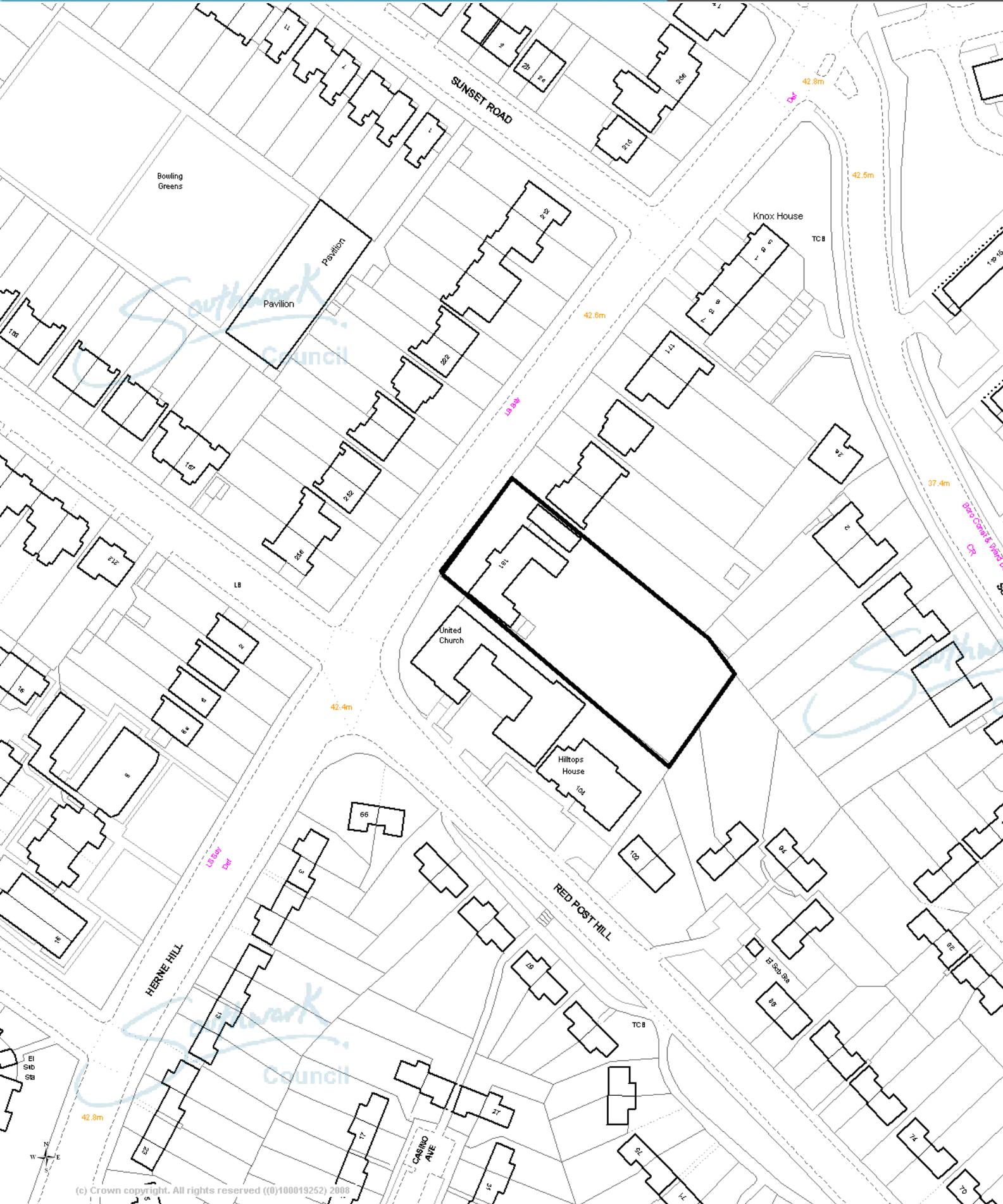
This planning application was considered with regard to various policies including, but not exclusively:

- a) Policies 3.2 - Protection of amenity, 3.7 - Waste reduction, 3.11 - Efficient use of land , 3.12 - Quality in design, 3.13 - Urban design, 4.1 - Density of residential development, 4.2 - Quality of residential accommodation, 5.2 - Transport impacts and 5.3 - Walking and cycling of the Southwark Plan [July 2007].

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.

Informative

The planning permission granted includes alterations and amendments to areas of the public highway, which will need to be funded by the developer. No permission is hereby granted to carry out these works until all necessary orders and design details have been submitted and agreed by the Highway Authority. You are advised to contact the Senior Engineer, Highways (020 7525 2047), at least 4 months prior to any works planned on the public highway.



2	Classification OPEN	Decision Level Dulwich Community Council	Date 14/1/2009
From Head of Development Control		Title of Report DEVELOPMENT CONTROL	
Proposal (08-AP-2898) Alteration and conversion of existing 2-storey property to front of site provide two 4-bedroom houses and erection of two new 4 bedroom houses to the rear with associated car parking, amenity space and landscaping. The proposal includes demolition of a 2-storey former coach house to provide access to the dwellings at the rear and demolition of a single storey rear extension. Associated tree works.		Address 181 DENMARK HILL, LONDON, SE5 8DX Ward Village	
Application Start Date 26/11/2008		Application Expiry Date 21/01/2009	

PURPOSE

- 1 To consider the above application, which requires a Community Council decision due to the number of objections received.

RECOMMENDATION

- 2 Grant planning permission subject to conditions.

BACKGROUND

Site location and description

- 3 The existing buildings are located on the east side of Denmark Hill close to the junction with Red Post Hill. The site consists of two detached Victorian buildings: the main building with central portico and a smaller coach house on the side. The buildings are set within large grounds, which fall away to the south east following the natural descent of the hill.
- 4 Herne Hill Baptist church adjoins the site to the west and 179 Denmark Hill, currently a dentist practice, adjoins the site to the north east. This building enjoys a large garden to the rear, which is overgrown but has a number of mature trees.

Details of proposal

- 5 Permission is sought for the conversion of the frontage building to provide 2 x 4 bedroomed houses, and the demolition of the side coach house to provide vehicular access to the rear, plus the erection of two new 2- storey dwellings each comprising 4 bedrooms at the rear. Three parking would be provided to the side, parallel with the boundary with no 179 and one space would be to the front of the original building.

Planning history

- 6 08-AP-2268 - Application submitted for the conversion of the existing house into 4 dwellings and the erection of 4 new dwellings to the rear together with associated parking. This application was withdrawn.

The buildings are currently vacant but the last known use was to provide

accommodation for hospital staff.

- 7 **Planning history of adjoining sites**
None.

FACTORS FOR CONSIDERATION

Main Issues

- 8 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 quality of accommodation provided.
 - c] the impact of the development on the amenity of adjoining residents.

Planning Policy

- 9 Southwark Plan 2007 [July]
3.1 Environmental effects
3.2 Protection of amenity
3.4 Energy efficiency
3.5 Renewable energy
3.7 Waste reduction
3.9 Water
3.11 Efficient use of land
3.12 Quality in design
3.13 Urban design
3.14 Designing out crime
4.1 Density of residential development
4.2 Quality of residential accommodation
5.2 Transport Impacts
5.3 Walking and Cycling
5.6 Car parking
- 10 London Plan 2004
3A.1 Increasing London's supply of housing
3A.2 Borough housing targets
3A.5 Housing choice
3C.22 Parking Strategy
4A.3 Sustainable design and construction
4A.07 Renewable energy
4B.1 Design principles for a compact city
- 11 Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]
PPS1 Delivering Sustainable Development
PPS 3 Housing
PPG 13 Transport

Consultations

- 12 Site notice date: 4 December 2008 Press notice date: N/A
- 13 Neighbour consultation letters sent:

4/12/2008

14 Case officer site visit date:

20/5/2008

4/12/2008

15 Internal consultees

Access Officer

Arboriculturalist

Transport

Waste management

16 Statutory and non-statutory consultees

London Borough of Lambeth

Herne Hill Society

Camberwell Society

17 Neighbour consultees

See list below: neighbours in Denmark Hill, Redpost Hill and Sunray Avenue were consulted.

18

Re-consultation

N/a

Consultation replies

19 Internal consultees

Arboriculturalist

Transport

20 Statutory and non-statutory consultees

London Borough of Lambeth - no reply at time of report writing, any response to be included in supplementary report.

21 Herne Hill Society - Welcomes the changes from the earlier application, however raises concern over the development of land to the rear of the site and the setting of a precedent. Suggest a replacement building to the former coach house, with undercroft to the rear and first floor residential accommodation, to maintain interest on the street scene. The widening of the space between the original dwellings

22 Neighbour consultees

171 Denmark Hill - Objects to lack of parking; believes each house should have a double garage as well as 4 parking spaces for visitors.

23 179 Denmark Hill - Objects on the following grounds;

- Side elevation of the new building overlooks the whole of the front and rear gardens, reducing privacy, limiting sunlight and views as well as the quiet amenity currently enjoyed.
- The refuse and recycling shed has been positioned in front of the building line between 179 and the existing building at 181, this will affect views from the sitting room.
- The front elevation of the proposed new build houses would be very close to the main house and whole development is too cramped.
- Accommodation in the main body of the house will be deprived of any real quality of garden and amenity space at the rear of the property as it is taken up with the new development. The converted houses will look directly onto the new buildings and their outlook and privacy affected adversely.

- One space per dwelling is not sufficient and the proposed development would increase on-street parking on Red Post Hill.
- The loss of the substantial natural and peaceful area to the rear would be detrimental to the character of the area.
- Requests the position of house 3 be moved further down the garden to increase the sense of space at the rear.

24 234 Denmark Hill - Objects citing overdevelopment, changing the character of the road, causing traffic problems and no benefit for the community or environment.

25 96 Red Post Hill - Writes in support of the development, in particular that the preservation of the woodland to the rear would ensure views in that direction will not be spoilt and they would not be overlooked.

26 Re-consultation
N/A

PLANNING CONSIDERATIONS

27 **Principle of development**

The redevelopment to increase the residential accommodation provided within the site is considered acceptable in principle. The retention of the main building is particularly welcome. There are no in principle policy objections to developing backland sites provided impacts to the surrounding area are minimised.

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

28 179 Denmark Hill

This property is the most affected by the proposed development. There is relatively little change to the main house: an entrance is created to the side but this is unlikely to result in harm to the adjoining dwelling at 179. The new dwellings to the rear are set 5 metres off the boundary with 179 and between 13 and 14 metres away from the house itself. The new dwellings will be visible over the fence from the adjoining property at no. 179, (approximately 2.4 metres visible to the eaves). The new buildings are around 12 metres in length and would have timber elevations. The ground floor of the property at 179 is currently used as dentists consulting rooms with the upper floor is used as an osteopathic clinic. Concern is raised around loss of light and overlooking. In terms of daylight it is considered that the buildings are of a sufficient distance away from the adjoining property and would not result in a significant loss of light to the property. Overlooking is limited as all but one of the windows on the elevation facing this boundary would be in opaque glazing. The bedroom window which would have clear glazing would look directly onto the boundary fence.

It is acknowledged that the proposal does impact on the adjoining property, however it is not considered that the visual impacts are so harmful as to warrant recommending a refusal of the scheme. Further an appropriate landscaping and boundary conditions would mitigate against the visual impacts of the new dwellings.

Concern was raised by the owner of 179 about the size of the refuse and recycling facility located forward of the building line. The proposed structure is 1.6 metres deep 2 metres deep and 2.4 metres high. Whilst there are no objections to the footprint or location of the structure, it does appear to be fairly high. It is therefore recommended that the detail for the bin store and recycling facilities for the houses to the rear be made a condition of any decision.

29 Herne Hill United Reformed Church
The church is less affected by the proposed development mainly due to its blank elevation on the boundary and the lie of the land. The adjoining sheltered housing at Hilltops House would not be affected as the development ends by the church.

30 Buildings to the rear boundary
As the development is at the upper level of the site the development would not have an adverse impact to the properties to the rear. There is good separation between the new houses to the rear boundary of this site, and properties at the rear also have long gardens.

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

31 The proposed residential use would sit well in this largely residential area. There are adequate levels of separation between the houses and the church to ensure that there would be no conflict of uses.

Traffic issues

32 The level of parking is compliant with Policy 5.3 of the Southwark Plan which sets a maximum parking level of 1 space per unit within the Urban Zone. It is not considered that the level of parking is inadequate for the units provided. Furthermore the site is served by a number of buses and is close to Herne Hill Station. Each house has a separate rear entrance which allows bicycles to be stored in the rear gardens.

Design issues

33 The proposed development takes up most of the upper part of the site to provide 4 new residences. The coach house to the north is proposed to be demolished to offer access to the rear of the site.

34 This proposals have been considerably scaled back to ensure a more natural fit on the useable part of the site. This has resulted in a generous access road skirting the perimeter of the existing main building and the creation of an intimate forecourt to the development at the rear.

35 The retention of the lower part of the garden is welcomed and will form a generous amenity for the new-build houses. This is matched by the good size of the private gardens to the conversion residences screened by a gently curved traditional garden wall.

36 The retention of the main building is welcomed and acknowledges the positive contribution that it makes to the streetscape. The loss of the coach house to the flank allows access to the intricately designed new residences to the rear. The drawings of the existing coach house submitted with the application are a good record of this building which is not listed and is not located in a conservation area. As such, there are no controls over its demolition.

37 The scale and massing of the proposed new development is suitably subservient to the main building as it presents the single-storey faces of the two new houses to the main building. Added to this the mono-pitched roof forms break up the expanse of roof and add interest to the profile visible from the main building. The parking is located away from the main view from the residences located as it is to the north of the access road and in the forecourt.

38 The proposed new-build development has responded to the architectural qualities in its immediate context and is faced in a contextual brick on the west facing the main building and in timber cladding to the rear and side of the site where it faces the

mature garden. The existing picturesque roofs in the immediate context and the prominence of the gardens are complimented by the butterfly roofs and the clerestory lights of the proposed development

39

The design is divided into two parts. The existing retained main building which has been converted into two 2-storey houses with two new-build houses to the rear.

40

The removal of the doughnut drive and tarmacked main approach is welcomed and the conversion of the existing main building into two 4-bedroomed houses has been achieved in a way that is not detrimental to the qualities of the original building

- The retention of the centrally central main entrance emphasises the symmetry of this building.
- The creation of a new entrance at the flank and the retention of important features like the main stair enhance the accommodation and brings the character of the existing building into the new.
- The layout of the main reception rooms and bedrooms fits naturally with the interior layout of the existing rooms.

41

The two 4-bedroom new-build houses to the rear have a character of their own whilst retaining a subservient relationship with the main building

- The articulation in the parapet line coupled with the use of brick facing to reflect the qualities of the main building and a timber cladding to reflect the natural outlook of the mature garden has resulted in architectural forms that relate well with their context.
- The stepped profile of the roof works well with the split-level design which is single storey to the west (facing the existing building) and double storey to the east (facing the garden) and allows clerestory light into the internal corridor.
- The internal layouts are well considered with the main entrance offering access to both shared levels as well as the bedrooms via a screened corridor.
- The location of bedrooms whose only outlook is to the flank wall have been enhanced by the inclusion of a bay window that both screen the outlook and allows views of the generous gardens.

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

42 The building is not listed nor is it within a conservation area. The proposed Sunray Avenue conservation area will adjoin the site at the rear. Although this has not yet been designated, it is not considered that the proposal as submitted would be harmful to any future designation as it would retain the wooded element to the rear of the site and would not be visible from the public realm.

Impact on trees

43 The trees are covered by a general Tree Preservation Order. The proposed works to the trees are recommended irrespective of any development on the site. The removal of poor tree stock would be recommended in order to utilize and reuse the site as a garden area. It is felt that provided the recommendations within the submitted tree report relating to the retained tree protection are adhered to the retained trees will continue to thrive for many years to come. It is recommended that the tree protection measures be agreed on site with the developers professional arboriculturalist and the Council arboriculturalist. In respect of the Oak tree T5 it is recommended that works to this tree are only carried out with the explicit written consent of the Local Authority. These matters will be made conditions of any consent.

Planning obligations [S.106 undertaking or agreement]

44 The proposal is below the threshold that would require contributions.

Other matters

- 45 Quality of accommodation
The proposed dwellings would all exceed the minimum room size standards and whilst there is no specific mix requirement for under 10 units the provision of houses rather than flats is welcomed.

Whilst the existing and proposed buildings are located in close proximity of one another, (between 10 and 19 metres), the buildings have been designed to maintain privacy by use of opaque glazing and maintaining the dominance of the original building with a high brick rear garden boundary wall. In addition the new building would have its main living areas located to the rear.

Each dwelling would have generous private amenity space which would far exceed minimum standards.

The refuse and recycling areas for each dwelling are provided to the front, which would allow for collection on street.

The new dwellings would be accessible and comply with Part M of the Building Regulations.

- 46 Density
The proposed density resulting from the development is very low at 96 habitable rooms per hectare (HRPH). The current Southwark Plan would normally expect densities of between 200 - 450 hrph within the Urban Zone with a Public Transport Accessibility Level of 3 (PTAL). Whilst this is contrary to policy it is considered that given the constraints of the site and character of the surrounding area, it would be appropriate in this instance to permit a low density development.

- 47 Precedent
The Herne Hill Society have been keen to express that this scheme is not seen as a precedent for similar types of development within the area. Each scheme is considered on its own merits and in this instance the site is unusual having a substantial building on the front set within a wide and deep plot of land.

Conclusion

- 48 The proposal is for the conversion of the existing building at 181 Denmark Hill to provide two houses, with two new houses built within the grounds at the rear. The site has been vacant for some time allowing the land to become unkept and buildings in a poor state of repair. The scheme allows the retention of the main building, which is felt makes a positive contribution to the streetscene being one of the last remaining Victorian buildings along this stretch of Denmark Hill. The proposal maintains a low level of development for the site which is in keeping with the character of the area, the quality of the accommodation provided both in terms of internal arrangement and amenity space would exceed the Council's Residential Design standards.
- 49 It is acknowledged that whilst there will be a visual impact to the property at 179, but this could be offset by conditions in respect of landscaping and boundary treatment. The level of off street parking proposed for the dwellings is in line with the Southwark Plan, and further parking on site would compromise the quality of the proposed development.
- 50 The proposal would bring the existing building into use and improve the quality of the land at the rear allowing it to be fully used. The development is considered to be appropriate in scale and design and it is therefore recommended for approval.

COMMUNITY IMPACT STATEMENT

51 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.

SUSTAINABLE DEVELOPMENT IMPLICATIONS

52 The rear elevations of the dwellings are south facing with the main living areas located to the rear. The proposal would retain the woodland to the rear of the site and increase the amount of green space at the front of the building.

The proposal will be built with the most up to date methods of construction and insulation, resulting in an extremely well-insulated structure, conforming to the 2006 revised Part L standards in the Building Regulations. This will reduce the carbon/energy usage. The new build part of the development will benefit from renewable energy generated by ground source heat pumps.

Water butts connected to the rainwater pipes will be provided for use in the gardens.

LEAD OFFICER Gary Rice Head of Development Control
 REPORT AUTHOR Sonia Watson Team Leader - Development Control [tel. 020 7525 5434]

CASE FILE TP/2511-181
 Papers held at: Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]

Neighbour Consultee List for Application Reg. No. 08-AP-2898

TP No	TP/2511-181	Site	181 DENMARK HILL, LONDON, SE5 8DX
App. Type	Full Planning Permission		

Date Printed	Address
04/12/2008	PO Box 27845 London SE24 9XA
04/12/2008	100 RED POST HILL LONDON SE24 9PW
04/12/2008	102 RED POST HILL LONDON SE24 9PW
04/12/2008	94 RED POST HILL LONDON SE24 9PW
04/12/2008	96 RED POST HILL LONDON SE24 9PW
04/12/2008	98 RED POST HILL LONDON SE24 9PW
04/12/2008	2A SUNRAY AVENUE LONDON SE24 9PY
04/12/2008	4 SUNRAY AVENUE LONDON SE24 9PY
04/12/2008	6 SUNRAY AVENUE LONDON SE24 9PY
04/12/2008	8 SUNRAY AVENUE LONDON SE24 9PY
04/12/2008	HERNE HILL UNITED CHURCH RED POST HILL LONDON SE24 9PW
04/12/2008	10 SUNRAY AVENUE LONDON SE24 9PY
04/12/2008	12 SUNRAY AVENUE LONDON SE24 9PY
04/12/2008	2 SUNRAY AVENUE LONDON SE24 9PY
04/12/2008	171 DENMARK HILL LONDON SE5 8DX
04/12/2008	173 DENMARK HILL LONDON SE5 8DX
04/12/2008	175 DENMARK HILL LONDON SE5 8DX

04/12/2008 179 DENMARK HILL LONDON SE5 8DX
04/12/2008 177 DENMARK HILL LONDON SE5 8DX
04/12/2008 KNOX HOUSE DENMARK HILL LONDON SE5 8DU
04/12/2008 WARDENS FLAT HILLTOPS HOUSE 104 RED POST HILL LONDON SE24 9PW
04/12/2008 FLAT 1 HILLTOPS HOUSE 104 RED POST HILL LONDON SE24 9PW
04/12/2008 FLAT 10 HILLTOPS HOUSE 104 RED POST HILL LONDON SE24 9PW
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04/12/2008 FLAT 12 HILLTOPS HOUSE 104 RED POST HILL LONDON SE24 9PW
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04/12/2008 FLAT 9 KNOX HOUSE DENMARK HILL LONDON SE5 8DU
04/12/2008 WARDENS FLAT 181 DENMARK HILL LONDON SE5 8DY
04/12/2008 212 Denmark Hill London SE5
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04/12/2008 236 Denmark Hill London SE5
04/12/2008 Flat G 3 Dunnage Crescent London SE16 7FJ
04/12/2008 204 Camberwell Grove London SE5 8RJ

RECOMMENDATION LDD MONITORING FORM REQUIRED

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 Denmark Hill Ltd
Application Type Full Planning Permission
Recommendation Grant permission

Reg. Number 08-AP-2898

Case Number TP/2511-181

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Alteration and conversion of existing 2-storey property at front of site to provide two 4-bedroom houses and erection of two new 4 bedroom houses to the rear with associated car parking, amenity space and landscaping. The proposal includes demolition of a 2-storey former coach house to provide access to the dwellings at the rear and demolition of a single storey rear extension. Associated tree works.

At: 181 DENMARK HILL, LONDON, SE5 8DX

In accordance with application received on 26/11/2008

and Applicant's Drawing Nos. 0980/001A, 020A, 021A, 023A, 024A, 100C, 110C, 111C, 112C, 113B, 120 B, 121B, 122B, 130B. Statement in support of planning application CgMs ref VS/SYW/9167, Pro-Active Arboriculture Ltd Tree Survey Report with addendum, Design and Access Statement Alan Camp Architects 21/11/08, Statement of Community Involvement CgMs November 2008.

Subject to the following condition:

- 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 Samples of the timber panels, window frames, brick and roof covering to be used for the construction of the new buildings and the bricks for the boundary and enclosures (front and rear) in respect of the existing building shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of design and in the interest of the appearance of the building in accordance with Policy 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

- 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

In order that the Local Planning Authority may be satisfied with the external appearance of the building and in the interest of the appearance of the building in accordance with Policy 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007

- 4 Notwithstanding the provisions of Schedule 2, Part 1 Classes A, B, C D, E and G of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out to the 4 new houses without the prior written consent of the Council, to whom a planning application must be made.

Reason

To safeguard the character and the amenities of the premises and adjoining properties in accordance with Policy 3.2 Protection of Amenity and 3.12 Quality in Design of the Southwark Plan 2007

- 5 Details of the means of enclosure for all site boundaries shall be submitted to and approved by the local planning authority and the development shall not be carried out otherwise than in accordance with any approval given. The development hereby permitted shall not be occupied until the works approved pursuant to this condition have been carried out.

Reason

In order that the amenity of the adjoining properties are not compromised and in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 6 The windows on plan 0980/111 rev C marked as opaque or frosted to the original building and the houses to the rear shall be obscure glazed and shall not be replaced or repaired otherwise than with obscure glazing without the prior written approval of the Local Planning Authority.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises and the future occupants of the development from undue overlooking in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Unitary Development Plan 2007.

- 7 Detailed drawings of a landscaping scheme (2 copies), detailing planting positions, size and species of trees shrubs, and plants as well as details of the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways) shall be submitted to and approved by the Council before the development hereby permitted is begun and the landscaping scheme approved shall thereafter be carried out in the first appropriate planting season following completion of the building works.

Reason

In order that the Local Planning Authority may be satisfied with the details of the scheme in accordance with Policy 3.12 'Quality in Design' and 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 8 Any tree or shrub required to be retained or to be planted as part of a landscaping scheme approved, either as part of this decision or arising from a condition imposed as part of this decision, that is found to be dead, dying, severely damaged or seriously diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced by specimens of similar or appropriate size and species in the first suitable planting season.

Reason:

In order to ensure that appropriate landscaping is provided in accordance with Policy 3.12 'Quality in Design' and 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 9 The tree protection methods detailed within the Pro Active Arboriculture Ltd Tree Survey Report shall be implemented in accordance with the details therein. Prior to the commencement of works a site meeting should be held between the developers arboricultural consultant the and Local Authority Arboriculturist to ensure that the protective tree fencing has been properly erected and affords adequate protection to the root protection zones.

Reason

In order that the Local Planning Authority may be satisfied with the details of the scheme in accordance with Policy 3.12 'Quality in Design' and 3.2 'Protection of Amenity' of the Southwark Plan 2007

- 10 There is insufficient justification for the reduction in the crown of the Oak tree identified as T5 in the Pro Active Arboriculture Ltd Tree Survey Report. Therefore notwithstanding the recommendation of the Pro Active Arboriculture Ltd Tree Survey Report no works are permitted to the Oak tree (T5) without the submission of further details and the subsequent approval in writing by the Local Planning Authority.

Reason

In order that the Local Planning Authority may be satisfied with the details of the scheme in accordance with Policy 3.12 'Quality in Design' and 3.2 'Protection of Amenity' of the Southwark Plan 2007

- 11 The refuse storage arrangements shown in respect of house 1 and house 2 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 3.7 Waste Reduction of the Southwark Unitary Development Plan 2007

- 12 Notwithstanding the refuse storage enclosure detailed on the approved plans for the dwellings to the rear (house 3 and house 4) prior to occupation of these units details of a revised enclosure for the storing of domestic refuse/recycling shall be submitted to (2 copies) and approved by the local planning authority and the facilities approved have been provided and are available for use by the occupiers of the dwellings. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason

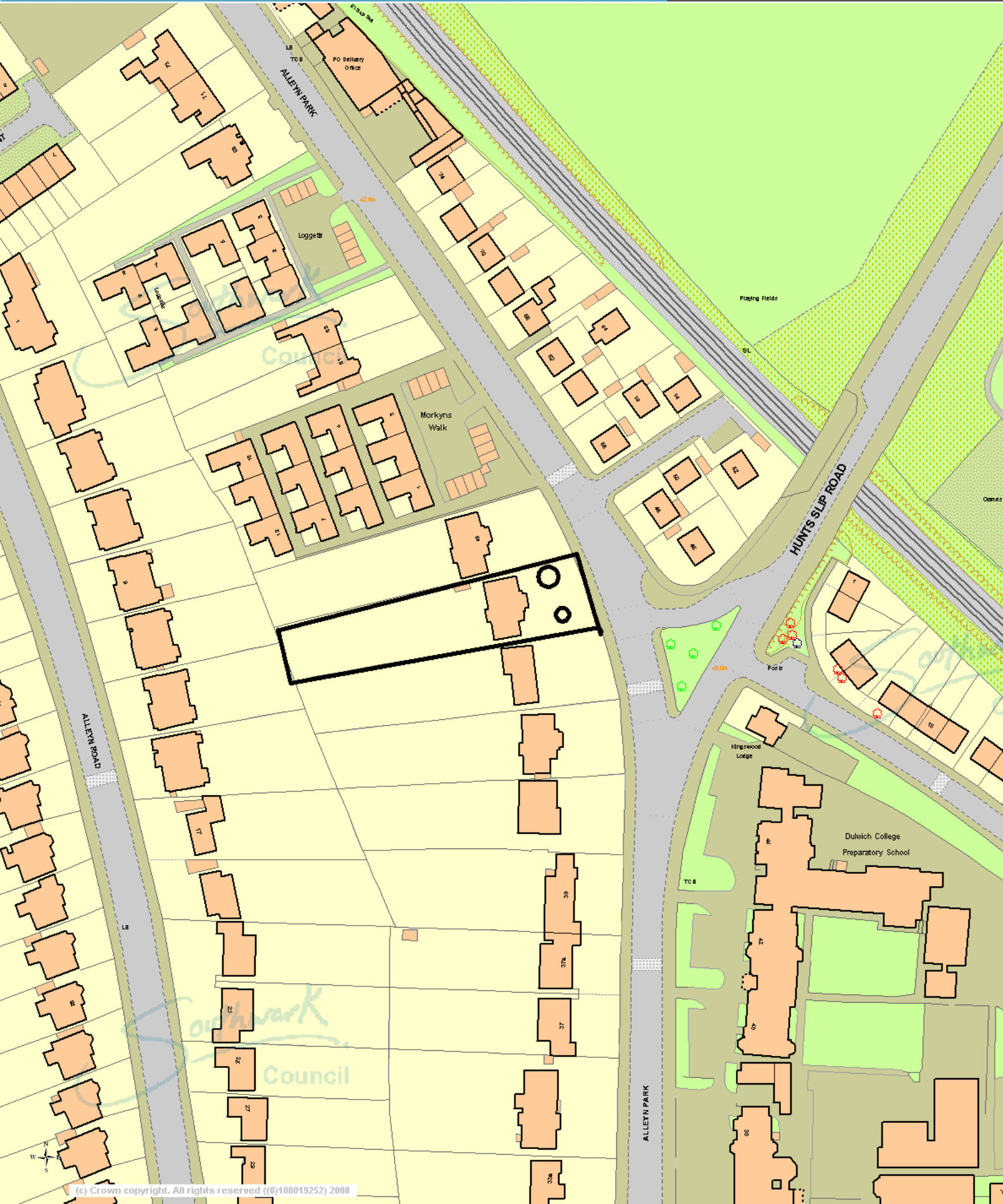
In order that the Council may be satisfied that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy 3.7 Waste Reduction of the Southwark Unitary Development Plan 2007

Reasons for granting planning permission.

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

- a] Policies 3.1 Environmental effects, 3.2 Protection of amenity, 3.4 Energy efficiency, 3.5 Renewable energy, 3.7 Waste reduction, 3.9 Water, 3.11 Efficient use of land, 3.12 Quality in Design, 3.13 Urban design, 4.1 Density of residential development, 4.2 Quality of residential development, 5.3 Walking and cycling, 5.6 Car parking of the Southwark Plan [July 2007].
- b] Policies 3A.1 Increasing London's supply of housing, 3A2 Borough housing targets, 3A.5 Housing choice, 3C.22 Parking strategy, 4A.3 Sustainable design and construction, 4A.07 Renewable energy, 4B.1 Design principles for a compact city of the London Plan [2004].
- c] Planning Policy Statements [PPS] and Guidance Notes [PPG] PPS1 Delivering Sustainable Development, PPS3 Housing.

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.



REPORT ON THE CONFIRMATION OF A TREE PRESERVATION ORDER			
3	Classification	Decision Level	Date
	OPEN	DULWICH COMMUNITY COUNCIL	14 January '08
From Head of Development Control		Title of Report Report on the confirmation of Tree Preservation order (no 367) 47 Alleyn Park, SE21	
Proposal Confirm Tree Preservation Order no 367 (08-AP-2392)		Address 47 Alleyn Park, SE21 8AT Ward: College Conservation Area: No	

1. PURPOSE

The matter has been referred to Dulwich Community Council for consultation as objections to the Tree Preservation Order are not capable of resolution.

2. RECOMMENDATION

The Community Council is asked to recommend that the Tree Preservation Order is confirmed in substantially the same form as the Provisional Order.

3. BACKGROUND

3.1 Description of site and trees

47 Alleyn Park is a detached, two storey plus semi-basement property built around the 1890s. It has brickwork walls, a solid basement floor, and suspended timber upper floors, and pitched roof of slates on a timber frame. To the front, is a rectangular projection, with gable roof, to the front of which is a rectangular, single storey bay with pitched roof reached by a flight of steps. In the indent between the projection and the main house is a square porch with pitched roof. To the right hand side, is a double pitched roofed, single storey rectangular addition, contemporary with the main house. In the front garden of 47 Alleyn Park there is one mature Oak and one mature Horse Chestnut, as well as various shrubs and Bay trees.

47 Alleyn Park does not lie within a conservation area; however, the applicant advises that works to trees are subject to the approval of the Dulwich Estates. OCA UK Limited (the applicant) is of the view that this is a Conservation Area. The Dulwich Village Conservation Area only includes properties from numbers' 83 Alleyn Park and upwards (that excludes 47 Alleyn Park).

3.2 Details of proposed tree works

28/05/2008 the applicant requested consent to remove the Oak tree from the front garden of 47 Alleyn Park. The applicant claimed that the Oak tree was damaging the property and submitted supporting documentation.

25/07/08 following assessment of the site the Council made a Provisional Tree Preservation Order. The Provisional Order has effect for six months (25/01/09).

24/09/08 OCA applied for permission to do works to what was then the preserved Oak tree. The application was to fell the Oak tree and was refused under delegated authority.

The Tree Preservation Order covers the Oak tree and Horse Chestnut in the front garden of 47 Alleyn park. Both trees are mature specimens with full functional crowns. The Council has made the Order, after assessing both trees under the TEMPO assessment formula (a recognised method of assessing amenity used by arboriculturalists). The Oak tree and Horse Chestnut tree appear to be in good condition and make a positive contribution to the amenity of the local environment. The trees are visible from a public place, they soften the landscape, and they help make the area greener. Their removal would leave an open void.

4 FACTORS FOR CONSIDERATION

The main issues in this case are:

- a) The extent to which the preserved trees contribute toward local amenity.
- b) The extent to which the preserved trees have damaged and may continue to damage property.
- c) The scope for works to minimise loss of trees.

4.1 Planning Policy

Southwark Plan 2007 [July]

- | | |
|----|-----------------------|
| 1 | Environmental effects |
| 2 | Protection of amenity |
| 6 | Air quality |
| 13 | Urban Design |
| 28 | Biodiversity |

Ministerial Circulars

Tree Preservation Orders: A Guide to the Law and Good Practice (2000) (as amended)

4.2 Consultation and response

The Owner/Occupier of 47 Alleyn Park and adjoining Owner/Occupiers were notified of the Provisional Tree Preservation Order.

Residents of 46, 47 & 49 Alleyn Park and the applicant objected to the preservation of the Oak tree. The residents of 45 Alleyn Park objected to the preservation of both the Oak and Horse Chestnut.

Reasons for objection included:

- Proximity of trees to 47 Alleyn Park and the unsuitability of the species for their location.
- Trees as a cause of subsidence and thereby damage to 47 Alleyn Park.
- The cost to the Council in endeavouring to preserve the trees.
- The fact that any tree removed will be replaced with a less invasive species minimising harm
- There is not a lack of trees in this part of the borough.
- The Map attached to the order is erroneous
- No explanation for making the order has been given
- Trees are not worthy of protection

5. Arboricultural Considerations

The applicant has provided reports from an arboriculturalist, structural engineer and associated surveys. The council's own arboriculturalist has carried out a TEMPO assessment of the amenity value of the Oak tree. The Council has commissioned an independent structural engineer to assess the site and the reports provided by the applicant.

5.1 Applicant's arboricultural and structural report

Having carried out soil tests and dug a trial pit and bore hole the applicants experts conclude that the soil at the front of the house has been desiccated by moisture extraction. They assign vegetation as the cause and in particular the roots of the Oak tree. Oak tree roots are found beneath the foundations.

They recommend removal of the Oak tree and repair to the superstructure of the house.

5.2 Council's structural report

The Council has obtained a report from Patrick Austin an independent structural engineer.

The report notes the following points:

- There is damage to the property at a number of locations along the front of the property. The Horse Chestnut is 12 metres from the property, whereas the Oak is 8.5 metres. In Mr Austin's view the Horse Chestnut is closer to the more significant area of movement. The Oak is unlikely to be solely responsible for desiccating the soil. The presence of the Oak roots is ascribed to the particular location of the trial pit. It is Mr Austin's view that the wholesale removal of trees from the area would prevent future desiccation.
- Mr Austin considers options other than tree removal, such as underpinning and inserting a root barrier that would not involve loss of trees.
- Mr Austin considers that if desiccation of the soil is prevented, either by tree removal, or insertion of a root barrier the property may well be effected by soil heave as moisture returns.
- Mr Austin concludes that removal of the Oak tree will not stop the damage to the property that the applicant wishes to prevent.

5.3 Assessment of amenity value

Tree's Value

LBS' valuation of the Oak tree is calculated at just over £34,000.00. (Please refer to attached TEMPO)

Tree Benefits

The Oak tree and Horse chestnut tree make a positive contribution to the local environment for the following reasons:

- They are characteristic of mature gardens within the local area.
- The Oak tree is a native species with all the attendant ecological benefits
- They are tolerant of air pollution and are an ideal species of tree for urban environments
- They provide a valuable nesting and perching sites for birds and attract other wildlife.
- The trees further act as a screen and aid in the reduction of air pollution and runoff.
- Oak trees can live to well over a 1000 years making them the ideal tree species in urban gardens
- A replacement tree would take long to reach maturity.
- The site will lose its amenity value until the replacement tree reaches maturity
- There are no guarantees that a replacement tree will fill the gap of the Oak and Horse chestnut tree.
- The replacement trees need to be properly established for them to mature-there are no guarantees that they will survive.

5.4 Compensation

No compensation is payable to a property owner upon the making of a tree preservation order. However, if an application to fell or carry out works to a preserved tree is refused by the Council, there is a potential liability, for the cost of subsequent works to prevent a nuisance caused by the preserved trees. Mr Austin considers this potential liability in his report.

In summary three solutions are considered:

- i) permit felling of Oak tree and subsequent requests to fell Horse Chestnuts if made, incur no liability for compensation, as acceding to applicants requests.
- ii) that a root barrier is necessary and reserve a reasonable sum (estimated, but not admitted to be £7,500 to £10,000), to compensate the owner for it's provision.
- iii) that either tree removal, or insertion of a root barrier will result in soil heave, which is not caused by trees, but is resultant upon either their removal or barring of their roots and can only be rectified by underpinning. In this instance refusal to permit the removal of the trees, may not cause additional expense as work to stabilise the front of the property will be required in any event.

There is a risk of compensation being due if the Council does not permit removal of the trees.

5.5 Conclusion of arboricultural considerations and options for the site

Heavy pruning of trees is not considered to be a solution in this instance and will result in much of the amenity value of the trees being lost. Replacement of the trees is not considered appropriate for the reasons set out above. The applicant at this stage has not asked for the removal of the Horse Chestnut. Mr Austin suggests that removal of the Oak alone will not be effective and the Horse Chestnut will be vulnerable to a future application to fell. If the Council is to recommend an engineering solution, it would be more consistent to do so at this stage when both trees might be retained. Whilst there is a risk of compensation being due to the owner, at this stage the amenity value of the trees is assessed as being considerably greater than the estimated sum of potential compensation, that maybe due to the owner. It is therefore recommended that the tree preservation order be confirmed.

Members' options are either to recommend that the Tree Preservation Order is not confirmed, that it is confirmed in its current form, or that it is modified to reduce the trees that it will preserve, or amend their description.

6. LEGAL COMMENTS

This item is before the Dulwich Community Council because unresolved objections have been lodged in respect of the provisional Tree Preservation Order (367) served by the Council on 25 July 2008.

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 2008/9. By default the decision is reserved under Part 3P to Officers.

Unresolved objections to a Tree Preservation Order need to be considered in an even-handed and open manner, by a body, or person other than the original decision maker, in this instance the head of Development Control. It is preferable that there is a forum, in which objections can be heard and considered. Part 3H clause 4 of the Constitution states the Community Council is intended, "to be a focal point for discussion and consultation on matters that affects the area."

The Community Council is therefore asked to hear and consider the objections to the Tree Preservation Order and then give a recommendation to the Director of Regeneration & Neighbourhoods as to the action that should be taken.

This procedure is intended to ensure that the Council complies with potential Human Rights implications, such as Article 6 (right to a fair trial) and Article 1, Protocol 1 (Protection of Property). The former article relates to the 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 recommend whether or not the Director of Regeneration & Neighbourhoods should confirm the Tree Preservation Order.

FINANCE COMMENTS

This report requests that the Dulwich Community Council hear and consider the objections to the Tree Preservation Order and then give a recommendation to the Director of Regeneration & Neighbourhoods as to the action that should be taken.

There is a financial risk of making a recommendation to uphold the Tree Preservation Order, in that there may be a liability for compensation for the cost of subsequent works to prevent a nuisance caused by the preserved trees. Under current financial projections it is considered that any liability for compensation can be contained within the Development Control budget.

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 regards 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) Any issues relevant to particular communities/groups likely to be affected by the proposal have been identified and discussed above

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

ATTACHMENTS

TEMPO evaluation of the Oak tree

SPREADSHEET TO CALCULATE VALUE OF OAK TREE AT 47 ALLEYN PARK					
	Quantities you measure / look up			Calculated Values	
Step One: Basic Value					
Stem Diameter		61			
Unit Value Factor		14.55			
Basic Value					£42,521.89

Step Two: Functional Value					
Adjustment for Functional Value		No Adjustment			
Adjusted Value				42,521.89	
Step Three: Adjusted Value					
Adjustment for Location, Special Factors & Functional Appropriateness		-20			
Adjusted Value				£34,017.51	

RECOMMENDATION

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

Applicant	Mr Meyer OCA UK LTD	Reg. Number 08- <u>AP</u> -2392
Application Type	Tree Preservation Order - works related	
Recommendation	Make Tree Preservation Order	Case Number TP/2549-47

Draft of Decision Notice

WARNING - the system has not been configured to handle type/decision combination:

Fell the Oak tree referenced as T1 and situated to the front of 47 Alleyn Park to ground level and treat stump.

At: 47 ALLEYN PARK, LONDON, SE21 8AT

In accordance with application received on 25/09/2008 08:02:24

and Applicant's Drawing Nos. TPO 47 Alleyn Park no.367.

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