



Crown Copyright © Licence no. 0100019252

Item No. 3	Classification OPEN	Decision Level DULWICH COMMUNITY COUNCIL	Date 06/09/2007
From Karli Flood		Title of Report DEVELOPMENT CONTROL	
Proposal (07-AP-0835) Erection of a new single storey pergola to garden.		Address THE PLOUGH, 381 LORDSHIP LANE, LONDON, SOUTHWARK, SE22 8JJ Ward East Dulwich	

PURPOSE

- 1 For the Dulwich Community Council to consider the above application due to the number of objections received in relation to the proposal.

RECOMMENDATION

- 2 Grant Planning Permission.

BACKGROUND

Site location and description

- 3 The site is located on the north-east side of Lordship Lane adjacent to the junction for Barry Road and Eynella Road. The area is characterised by a mix residential and commercial uses.
- 4 The application relates to The Plough Public House, which is a tall 3 storey building, with single storey elements, a conservatory and pergola. The site includes external seating areas for customers.

Details of proposal

- 5 The application relates to retrospective planning permission for the existing pergola that has been constructed in the beer garden of the public house. The pergola is constructed around the east (rear) corner of the building. The structure has an overall height of 3m (at its ridge) with timber rafters that slope down to a height of 2.3m. Timber posts (150 x 150) would support the pergola.

Planning history

- 6 49/45 dated 21/12/64 – Granted – The Plough Public House, proposed formation of a new car park for use ancillary to existing licensed premises.
- 7 2/27-85 – Granted – Single storey rear extension to The Plough Public House, 381 Lordship Lane, SE22 to form conservatory together with other elevational alterations.
- 8 05-AP-0260 – Granted – Display of new internally illuminated and externally illuminated pub signage.
- 9 07-AP-1408 – Granted - New entrance canopy over front porch main entrance to public house.

- 10 **Planning history of adjoining sites**
None of relevance.

FACTORS FOR CONSIDERATION

Main Issues

- 11 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 appearance of the pergola and the impact it has on the host building and the surrounding area.
 - c] the impact the pergola will have on the amenity of surrounding properties.

Planning Policy

- 12 The Southwark Plan (UDP) July 2007 was adopted on 28 July 2007.

- 13 Southwark Plan [July 2007]
3.2 Protection of Amenity
3.12 Quality in Design
3.13 Urban Design

Consultations

- 14 Site Notice: 27/06/07
- 15 Press Notice: NA
- 16 Internal Consultees
Pollution, Noise Control Team
- 17 Statutory and non-statutory consultees
None
- 18 Neighbour consultees
Please refer to appendix 1.
- 19 Re-consultation
None

Consultation replies

- 20 Internal Consultees
Pollution, Noise Control Team:
No objection, however, the use of external heaters should not be allowed due to sustainability, energy and potential for nuisance.
- 21 Neighbour consultees
Plough Lane resident (no street no. given):
Objection.
- Frustrated that the pergola has already been constructed without planning permission.

- Poor security and the activities that take place in the beer garden such as barbeques will be a nuisance.
- 22 2A Plough Lane:
Objection.
- Noise pollution – the formation of an undercover heated and lit smoking area, and outdoor BBQ facilities will greatly increase the numbers of people using the garden, which will have an impact on surrounding residents.
 - Constant smoking and outdoor BBQs will cause odours to permeate into surrounding properties.
 - The smoking area and pub garden is not visible by pub staff and they are unable to hear the noise that will occur. This will affect the security of local residents.
 - Pub is reopening on 3rd July despite no consultation and no planning permission being granted.
- 23 2B Plough Lane:
Objection.
- The proper planning procedure was not adhered to as no consultation was carried out with residents and external work has already been completed.
 - The smoking shelter is unsightly and interferes with views from balconies on Plough Lane.
 - Table umbrellas will display the logos of the pubs sponsors, which is not in keeping with the area.
 - Noise levels will increase considerably with respect to amplified music that will occur all year long.
 - Kitchen ventilators and barbeques will cause noise, smoke and smell pollution.
 - The festoon lights and illuminated signage cause light pollution.
 - The use of heating and lighting all year round is not environmentally sensitive.
 - The pergola will create potential for anti social behaviour as the pub staff cannot see what is happening in the garden. Security is therefore at risk.
- 24 5 Plough Lane:
Objection.
- Building works have been completed without planning permission.
 - There has been no consultation with neighbours by the planning department.
 - The description of the application is misleading. The construction is not a pergola but a large permanent structure with a corrugated roof – essentially an outdoor pub.
 - The pergola will cause light pollution from the outdoor heating lights.
 - The plans are likely to promote anti-social behaviour due to the area being out of view from pub staff.
 - Use of outdoor heating creates sustainability issues such as reduction of energy and carbon usage.
- 25 1 Plough Lane:
Objection.
- The planning process is flawed as no neighbour consultations have been sent out by the Council.
 - The pergola is huge and will create additional noise nuisance all year round and the management of the pub have no means of monitoring noise nuisance as the pergola has been constructed against a brick wall with no direct observation from inside the pub.
 - The pub should have constructed the shelter in the area near to the road junction and away from residential dwellings.
 - Planning should ensure that no music is played outside in the garden by refusing any application to erect speakers for this purpose.

- The pergola will result in overlooking into my property.
- The pergola lights and heaters will cause light pollution as well as the proposed illuminated signage.
- The heaters will increase carbon emissions.

PLANNING CONSIDERATIONS

Principle of development

- 26 The principle of the development is to create a sheltered area for customers that can no longer smoke within the building, following the smoking ban, which was introduced on 1st July 2007. The principle of the use and the development of the pergola is therefore considered acceptable.

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

- 27 It is not considered that there will be significant adverse impact upon the amenity of adjoining occupiers created by the proposed development. While the consideration of possible increased levels of noise is apparent, the planning assessment is to consider whether the existing level of amenity of surrounding residents would be significantly reduced by the introduction of a pergola.
- 28 Concerns were raised by residents regarding an increase in odours from the cooking of food (in particularly barbeques). In response to this, however, it is considered that the cooking of food can and will take place regardless of the construction of the pergola.
- 29 In terms of noise, again, the noise levels of patrons using the beer garden should not significantly increase as a result of the construction of the pergola, particularly in the summer when people are outside in any case. It should also be noted, that the existing hours of operation of the PH are times that are not considered to be unreasonable for noise to reach a certain level. If excessive noise is experienced (which in this case is unlikely) then this matter will be dealt with by Council's Environmental Health team.
- 30 With respect to light spillage, the lights and heaters can be installed without planning permission, and therefore, this issue cannot be considered. Although it should be noted that Officers do not encourage external heaters due to sustainability and energy implications and would prefer that an alternative method of heating be used for this outdoor area. However, as this matter is unenforceable under planning regulations, a condition cannot be included on any planning permission issued to ban heaters.

- 31 No additional overlooking into adjoining properties will occur as a result of the proposed pergola.

Design issues

- 32 The proposed pergola is not considered to have a detrimental impact on the appearance of the PH, which has had many extensions that have been constructed over time. This is particularly due to the pergola being located at the rear of the building. Although the pergola is still visible from Barry Road, the impact that it would have on the streetscene is considered negligible.

Other matters

- 33 Several other objections were raised that have not been responded to above. These include:

Planning Process:

34 The objections that made mention of the Council not following correct processes were made before the consultation period commenced. As noted earlier, a site notice was erected outside the site on 27/06/2007 and 49 letters were sent to surrounding residents, notifying them of the application on 26/06/2007. All relevant parties have had over and above the required time frame of 21 days to make any comments regarding the application.

35 It is acknowledged that the pergola has already been constructed, however, the assessment for retrospective planning applications is the same as for a proposed application. Should a retrospective planning permission be refused, then enforcement action can taken against an unlawful structure.

Security Issues:

36 The construction of a pergola linked with exacerbating crime and drug use etc. does not fall under planning legislation and is a matter for the police and / or the management of the PH and not a planning matter.

Music:

37 Again, this is an issue that needs to be dealt with by Council's Environmental Health Team or the management of the PH.

Other concerns in relation to the Public House:

38 The planning application that is being considered, only relates to the construction of the pergola. Therefore, any other concerns relating to the umbrellas, signage and other aspects of the PH cannot be considered under this application.

Conclusion

39 The proposal is considered acceptable in terms of land-use and design and no significant adverse effect upon amenity of surrounding occupiers has been identified. The development is therefore accords with policy and a recommendation of approval is concluded.

COMMUNITY IMPACT STATEMENT

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

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

SUSTAINABLE DEVELOPMENT IMPLICATIONS

41 The use of external heaters in the pergola area is not recommended due to the sustainability and energy. However, as the installation does not require planning permission, the removal of such heaters cannot be enforced under this application.

LEAD OFFICER	Gary Rice	Head of Development Control
REPORT AUTHOR	Karli Flood	Planning Officer Development Control [tel. 020 7525 1137]
CASE FILE	TP/2315-Q	
Papers held at:	Regeneration Department, Council Offices, Chiltern, Portland Street SE17 2ES [tel. 020 7525 5403]	

Appendix 1. Neighbour Consultee List for Application Reg. No. 07-AP-0835

GROUND FLOOR FLATS FRONT & REAR, FIRST FLOOR FLATS FRONT & REAR 278 BARRY ROAD LONDON SE22
1, 2, 3, 4, 5, 6 RAIE MAISONETTES BARRY ROAD LONDON SE22
PLOUGH LANE POND PLOUGH LANE LONDON SE22
1, 1A, 2A PLOUGH LANE LONDON SE22
354, 354A, 356, 356A, 358, 358A, 360, 362-366, 364, 379, 383, 383A, 383B LORDSHIP LANE LONDON SE22
FIRST FLOOR FLAT, SECOND FLOOR FLAT 354 LORDSHIP LANE LONDON SE22
FIRST FLOOR FLATS OF 383, 379, 278 LORDSHIP LANE LONDON SE22
SECOND FLOOR FLATS OF 379, 383 LORDSHIP LANE LONDON SE22
2 AND FIRST FLOOR FLAT 2 WOODWARDE ROAD LONDON SE22
2, 4, 6 LANDELLS ROAD LONDON SE22

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 Mitchells & Butler
Application Type Full Planning Permission
Recommendation Grant

Reg. Number 07-AP-0835

Case Number TP/2315-Q

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Erection of a new single storey pergola to garden.

At: THE PLOUGH, 381 LORDSHIP LANE, LONDON, SOUTHWARK, SE22 8JJ

In accordance with application received on 12/04/2007

and Applicant's Drawing Nos. PLOUGH 20, 1991/12, 1991/31

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason

As required by Section 91 of the Town and Country Planning Act 1990 as amended

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', 3.12 'Quality in Design' and 3.13 'Urban Design' 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.