

## Dulwich Community Council

### Planning Agenda

Tuesday, November 10 2009 at 7.00 pm

Dulwich Library, 368 Lordship Lane, London SE22 8NB

#### Membership

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

#### Reserves

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#### INFORMATION FOR MEMBERS OF THE PUBLIC

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##### Contact

on 020 7525 7234 or email: [beverley.olamijulo@southwark.gov.uk](mailto:beverley.olamijulo@southwark.gov.uk)  
Webpage: <http://moderngov.southwarksites.com/mgListCommittees>

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Members of the committee are summoned to attend this meeting

**Annie Shepperd**  
Chief Executive  
Date: November 2 2009



# Dulwich Community Council

Planning Agenda

Tuesday November 10 2009

7.00 pm

Dulwich Library, 368 Lordship Lane, London SE22 8NB

## Order of Business

Item No.	Title	Page No.
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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

MATTERS FROM PREVIOUS MEETING(S)

5. MINUTES OF THE PREVIOUS MEETING - SEPTEMBER 7 2009 1 - 4

MAIN BUSINESS

6. DEVELOPMENT CONTROL ITEMS 5 - 47

7. PLANNING ENFORCEMENT REPORT 48 - 57

DISCUSSION OF ANY OTHER ITEMS AS NOTIFIED AT THE START OF THE MEETING.

DULWICH COMMUNITY COUNCIL MEMBERSHIP

Councillor Nick Vineall (Chair) Councillor Robin Crookshank Hilton (Vic Chair)

Councillor James Barber Councillor Toby Eckersley

Councillor Michele Holford Councillor Kim Humphreys

Councillor Jonathan Mitchell Councillor Lewis Robinson

Councillor Richard Thomas

DATE OF DESPATCH: NOVEMBER 2 2009

**ADDITIONAL INFORMATION****EXCLUSION OF PRESS AND PUBLIC**

The following motion should be moved, seconded and approved if the sub-committee 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 exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

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**Wheelchair access**

Wheelchair access is available. For further information please call the meeting clerk.

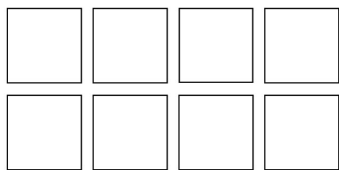
**Item No.**

**Title**

**Page No.**

**DISTRIBUTION LIST 2009-10**

Date: November 2 2009



**COMMUNITY COUNCILS**  
A voice for your community



## **Dulwich Community Council Planning Meeting**

*(Minutes to be formally agreed at the next meeting)*

Minutes of Dulwich Community Council Planning meeting on Monday September 7 2009 at 7.00pm held at Christ Church, 263 Barry Road, London SE22 0JT

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### **Present**

Councillor Nick Vineall (Chair)  
Councillors, Robin Crookshank Hilton (Vice Chair), James Barber,  
Michelle Holford and Jonathan Mitchell.

### **Officers present:**

Sonia Watson, planning officer  
Gavin Blackburn, legal officer  
Ernst Erasmus, arboricultural Officer  
Beverley Olamijulo, community councils officer

### **1. Introduction and welcome by the Chair**

The Chair introduced himself and welcomed those present at the meeting and asked officers and members to introduce themselves.

### **2. Apologies for absence**

Apologies for absence were submitted on behalf of Cllrs, Kim Humphreys, Lewis Robinson, Toby Eckersley and Richard Thomas

### **3. Disclosure of Members' interests and dispensations**

Cllr Vineall declared a personal interest in respect of item 6.2 – 21 Frank Dixon Way, SE21 because he knows the applicant. He agreed to stand down as chair and took no part in the debate or decision of this item.

### **4. Items of business that the Chair deems urgent**

There were no urgent items of business. However the chair agreed to accept the addendum report for Members to consider and to note the late observations, consultation responses information and revisions.

**5. Minutes of the previous meetings** (see pages 2 – 9)

The Minutes of the planning meetings held on June 16 and July 7, 2009 were agreed as accurate records of the proceedings which the chair signed.

**Recording of Members' votes**

Council Procedure Rule 1.9 (4) allows a Member to record her/his vote in respect of any Motions and amendments.

Such requests are detailed in the following Minutes. Should a Member's vote be recorded in respect to an amendment, a copy of the amendment may be found in the Minute File and is available for public inspection.

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

**6. DEVELOPMENT CONTROL** (see pages 10 – 30)

**RESOLVED:**

1. That the determination of planning applications, or formal observations and comments, the instigation of enforcement action and the receipt of the reports on the agenda be considered.
2. That the decisions made on the planning applications be subject to the conditions and/or made for the reasons set out in the attached reports unless otherwise stated.
3. That where reasons for the decision or condition are not included in the report relating to an individual item, that they be clearly specified.

**Item 6/1 – Recommendation: make tree preservation order – 5 Woodhall Avenue, London SE21 7HL** (see pages 16 – 21)

- Proposal:**
1. Atlas cedar tree section fell to ground level and stump grind the root ball (T1).
  2. Walnut tree, section fell to ground level and stump grind the root ball (T2).
  3. Yew tree, thin the whole canopy by 20%, plus remove all major deadwood (T3).

The Chair asked the legal officer to set out the responsibilities of the Community Council in determining applications for trees. A briefing note was produced for Members and circulated prior to the meeting.

Officers introduced the report, circulated site plans and the engineer's report in respect of this item.

The tree officer stated that the trees had been assessed following an application to fell the Walnut and Cedar trees in the front garden of the property. The assessment rated the trees highly and considered worthy of additional protection by a TPO.

Representations were heard from the owner of the property who was objecting to the TPO.

Cllrs Barber and Crookshank Hilton felt that in light of the recent works to the Oak tree and the felling of the Plane tree there should be a further period of assessment, preferably after winter.

Members further debated on this item.

**RESOLVED:** That the Tree Preservation Order (TPO) report not be confirmed.

At this juncture Cllr Vineall stood down as chair and left the meeting.

Cllr Crookshank Hilton took over as chair.

**Item 6/2 – Recommendation: grant – 21 Frank Dixon Way, London SE21 7ET** (see pages 22 – 30)

**Proposal:** Addition of 75m to rear of side extension and the addition of skylight: amendment to planning permission 07-AP-1036 granted at appeal on July 9 2008 for ground floor extension to provide additional residential accommodation.

The planning officer introduced the report, circulated plans of the scheme and responded to Members' questions.

Representations were heard from the objectors and the applicant.



Members who attended the site visit said they found it useful as the extension felt far more imposing on site that shown on the plans.

Members asked questions of the objectors. A concern was expressed by the objectors that their property had not been surveyed by the applicant.

The applicant presented a series of photographs which were referred to during his presentation. Members asked questions of the applicant.

Members further debated on this item.

**RESOLVED:** That planning permission be granted subject to the following additional condition:

The proposed side extension shall be constructed to the depth as shown on the approved plans (WOOF/P03 and WOOF/ROOF/R03); if the indicated existing depth on the approved plans of the side outbuildings of no. 22 Frank Dixon Way should prove to be erroneous, then the proposed extension shall align with the actual depth of the existing side outbuildings of no. 22 Frank Dixon Way adjacent to 21 Frank Dixon Way and the dimensions shown in approved plans (WOOF/P03 and WOOF/ROOF/R03) will be treated as reduced to achieve this outcome.

Reason

To preserve the amenity of the occupiers of the adjoining property and so as not to create an undue sense of enclosure in accordance with policy 3.2 of Southwark Plan 2007.

The meeting closed at 9.10 p.m.

**CHAIR:**

**DATE:**

<b>Item No.</b> 6	<b>Classification:</b> Open	<b>Date:</b> 10 November 2009	<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 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**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
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 SE17	The named case Officer as listed or Gary Rice 020 7525 5447

**APPENDIX 1****Audit Trail**

<b><u>Lead Officer</u></b>	Deborah Collins, Strategic Director of Communities, Law & Governance	
<b>Report Author</b>	Principal Planning Lawyer Constitutional Support Officer	
<b>Version</b>	Final	
<b>Dated</b>	Aug 26 2009	
<b><u>Key Decision</u></b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	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 Tuesday 10 November 2009**

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**Appl. Type** S.73 Vary/remove conds/minor alterations  
**Site** 52 LORDSHIP LANE, LONDON, SE22 8HJ

**Reg. No.** 09-AP-0804  
**TP No.** TP/2315-52  
**Ward** East Dulwich  
**Officer** Victoria Lewis

**Recommendation** GRANT PERMISSION

***Item 1/1***

**Proposal**

Variation of condition 7 of planning permission reference: 07-AP 2843 to extend opening hours of wine bar from 10:00-23:00 on Monday- Thursday, 11:00-00:00 on Friday and Saturday and 11:00-22:30 on Sunday to: 10:00-00:30 on Monday-Thursday, 10:00-02:00 on Friday and Saturday and 12:00-00:30 on Sunday and public holidays.

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**Appl. Type** Full Planning Permission  
**Site** 16-18 UPLAND ROAD, LONDON, SE22 9EE

**Reg. No.** 09-AP-1125  
**TP No.** TP/2567-12  
**Ward** East Dulwich  
**Officer** Victoria Lewis

**Recommendation** GRANT PERMISSION

***Item 1/2***

**Proposal**

Change of use of building from Financial and Professional (Use Class A2) to 6no. self-contained flats (Use Class C3), creation of lightwells at front and rear, erection of single-storey rear extension and first floor rear extension, alteration of shop front to windows at ground floor level and erection of boundary wall to front.

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**Appl. Type** Council's Own Development - Reg. 3  
**Site** DULWICH HAMLET SCHOOL, DULWICH VILLAGE, LONDON, SE21 7AL

**Reg. No.** 09-AP-1824  
**TP No.** TP/2546-C  
**Ward** Village  
**Officer** Sonia Watson

**Recommendation** GRANT PERMISSION

***Item 1/3***

**Proposal**

Revision of approved scheme 08-AP-3090. Increasing the pitch of the approved ground floor skylight, to improve self cleaning potential of the glass. Alteration of an existing opening on the east elevation of the kitchen block to create a window into the kitchen office.

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**Appl. Type** Full Planning Permission  
**Site** 325 LORDSHIP LANE, LONDON, SE22 8JH

**Reg. No.** 09-AP-1267  
**TP No.** TP/2315-325  
**Ward** East Dulwich  
**Officer** Jeremy Talbot

**Recommendation** GRANT PERMISSION

***Item 1/4***

**Proposal**

Extensions at basement and ground floor level, rear dormer window extension; front rooflight and conversion to form 4 self contained flats.

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Ordnance Survey

Date 26/10/2009





<b>Item No.</b> <b>1.1</b>	<b>Classification</b> OPEN	<b>Decision Level</b> DULWICH COMMUNITY COUNCIL	<b>Date</b> 10/11/09
<b>From</b> Head of Development Management		<b>Title of Report</b> DEVELOPMENT MANAGEMENT	
<b>Proposal</b> (09-AP-0804)  Variation of condition 7 of planning permission reference: 07-AP 2843 to extend opening hours of wine bar from 10:00-23:00 on Monday- Thursday, 11:00-00:00 on Friday and Saturday and 11:00-22:30 on Sunday to: 10:00-00:30 on Monday-Thursday, 10:00-02:00 on Friday and Saturday and 12:00-00:30 on Sunday and public holidays.		<b>Address</b> 52 LORDSHIP LANE, LONDON, SE22 8HJ  <b>Ward</b> East Dulwich	
<b>Application Start Date</b> 06/05/2009		<b>Application Expiry Date</b>	

## PURPOSE

- 1 To consider the above application which is before Dulwich Community Council owing to the number of objections received.

## RECOMMENDATION

- 2 Grant.

## BACKGROUND

### Site location and description

- 3 The application site is a three storey building with basement located on the western side of Lordship Lane. It has recently been refurbished and the use changed from an amusement arcade to a drinking establishment, following the grant of planning permission in September 2008 (reference:07-AP-2843). The site lies between a card / gift shop at 50 Lordship Lane and the Dulwich Tandoori restaurant at number 54.
- 4 The site is not located in a conservation area and the building is not listed. Lordship Lane is designated a Protected Shopping Frontage. The area is characterised by retail and commercial uses on the ground floor typically with residential above, and there are residential uses to the rear along Matham Grove. The site is located within the Lordship Lane Opportunity Area and Lordship Lane Neighbourhood Area (district town centre).

### Details of proposal

- 5 Pursuant to section 73 of the Town and Country Planning Act 1990 (as amended), planning permission is sought to vary condition 7 of permission reference 07-AP-2843 to extend the opening hours of the premises as follows:

From

- 6 10:00-23:00 Monday - Thursday, 11:00-00:00 Friday and Saturday and 11:00-22:30 on Sunday,

To:

- 7 10:00-00:30 Monday-Thursday, 10:00-02:00 Friday and Saturday and 12:00-00:30 on Sunday and public holidays.

### **Planning history**

- 8 09-AP-1141 - Details of Condition 8 - Ventilation on application 07-AP-2843 granted 11-09-2008 for Change of use from an amusement arcade (Sui Generis) to use as a wine bar (Use Class A4), alterations to the shopfront to provide a smoking area and insertion of a window to the rear elevation at ground floor level. Application to discharge the condition is UNDER CONSIDERATION.
- 9 09-AP-1066 - Display of back lit fascia sign and awning to drinking establishment (Use Class A4). Advertisement consent GRANTED in July 2009.
- 10 09-AP-1138 - Details of Condition 5 - Acoustic Insulation on application 07-AP-2843 granted 11-09-2008 for Change of use from an amusement arcade (Sui Generis) to use as a wine bar (Use Class A4), alterations to the shopfront to provide a smoking area and insertion of a window to the rear elevation at ground floor level. Condition DISCHARGED in June 2009.
- 11 08-AP-2485 - Erection of single storey rear extension, relocation of external staircase at rear and installation of new shopfront. Planning permission was GRANTED in December 2008.
- 12 07-AP-2843 - Change of use from an amusement arcade (Sui Generis) to use as a wine bar (Use Class A4), alterations to the shopfront to provide a smoking area and insertion of a window to the rear elevation at ground floor level. Planning permission GRANTED in September 2008.
- 13 Planning permission was granted on 7th November 1980 for installation of a new shopfront.

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

50 Lordship Lane

- 14 05-AP-0823 - Erection of a single storey rear extension to existing ground floor shop, construction of a rear dormer window with roof lights to the front roof slope and conversion of first and second floors including loft space to form 2 flats, 1 x 1 bed and 1 x 2 bedrooms, and insertion of entrance door to ground floor front elevation. Planning permission was GRANTED in June 2005.

### **FACTORS FOR CONSIDERATION**

#### **Main Issues**

- 15 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.

## **Planning Policy**

Southwark Plan 2007 [July]

- 16 3.2 - Protection of amenity

PPG24: Planning and Noise (October 1994)

## **Consultations**

- 17 Site notice date: 18/05/2009 Press notice date: Not required.

Neighbour consultation letters sent: 24/06/09

Case officer site visit date: 18/05/2009

- 18 Internal consultees

Public Protection Team

Statutory and non-statutory consultees

Metropolitan Police

- 19 Neighbour consultees

Notification letters have been sent to properties on Lordship Lane and Matham Grove.

Re-consultation

N/A.

- 20 **Consultation replies**

- 21 Internal consultees

Public Protection Team

No comments to make. The PPT officer knows the area well and considers that the additional hours would not cause any problems.

Statutory and non-statutory consultees

Metropolitan Police

Referred to the Police Licensing Department who advised that the Council has already granted a premises licence for the proposed opening hours).

- 22 Neighbour consultees

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

1. Late night noise and disturbance;

2. anti-social behaviour;
3. a police consultation is required and should be noted in any decision made by the Council;
4. there are too many late opening venues on Lordship Lane;
5. the existing conditions attached to planning permission reference 07-AP-2843 are not being adhered to (response - this matter has been referred to the Planning Enforcement Team for investigation).

#### Re-consultation

N/A.

### 23 **PLANNING CONSIDERATIONS**

#### **Principle of development**

- 24 The proposal is to vary a condition relating to an extant planning permission and this does not raise any landuse issues.

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

- 25 Policy 3.2 of the Southwark Plan seeks to ensure that developments achieve an acceptable standard of amenity for existing and future occupiers.

- 26 Local residents are concerned that the extended opening hours will lead to unacceptable levels of noise and disturbance late at night, anti-social behaviour and a general loss of amenity.

- 27 The adjoining properties in the terrace comprise the following uses:

46 - A1 (retail)  
 48 - A1  
 50 - A1  
 52 - A4 (drinking establishment - application site)  
 54 - A3/A5 (restaurant / takeaway, open until midnight daily)  
 56-62 - A1  
 64 - A2 (financial and professional)

- 28 There are understood to be flats on the upper floors of some of the buildings in this terrace, and 1 Matham Grove, the rear of which adjoins the application site, is a single dwelling.

- 29 The Council does not have any planning guidance regarding opening hours. However, Lordship Lane is a district town centre, where late night uses would be expected. The area is predominantly commercial in nature, with retail uses interspersed with late night restaurants, bars and takeaways which contribute to the vitality and viability of the centre. Other late opening venues on Lordship Lane include The Bishop, 27 Lordship Lane (open until 1:00am Sunday to Thursday and 2:00am Fridays and Saturdays), Sea Cow, 37 Lordship Lane (open until 12:30am Monday to Saturday and midnight on Sundays), Lord Palmerson, 91 Lordship Lane (open until midnight Sunday to Thursday and 1:00am Fridays and Saturdays) and The Magnolia, 211 Lordship Lane (open until 1am Mondays to Saturdays and midnight on Sundays).

- 30 In December 2008 the Council granted a licence enabling the premises to remain

open for the same hours for which planning permission is now sought (licence number: 828690); sale of alcohol and the playing of recorded music are to cease 30 minutes before closing time.

- 31 In considering whether to grant a premises licence, consultations are carried out with the Police, the Fire Brigade, Social Services and the Planning Department, and the likely impact in terms of public nuisance must be considered. Having gone through this process, the Council deemed it appropriate to grant a licence, and the application before Members seeks to vary the consented hours on the planning permission to tally with the terms of the licence.
- 32 The premises licence contains a number of conditions which seek to minimise disturbance to neighbouring properties, including that a sound limiting device be fitted, that notices be displayed asking people to leave quietly, that no more than 5 people be permitted to smoke in front of the building at any one time, and that the rear of the building cannot be used after 23:00hrs (note: planning permission 07-AP-2843 prevents the external rear amenity space from being used by customers at all).
- 33 In June 2005 planning permission for the conversion of the upper floors of 50 Lordship Lane into two self-contained flats was granted (reference:05-AP-0823). The approved plans show that there are livingroom windows at the front of the building at first and second floor level, with the bedrooms, which are considered to be more noise sensitive, located at the rear. There is a bedroom at the front of the building on the top floor and whilst there would be some additional noise, the fact it is at the top of the building would help to reduce this.
- 34 It is not known whether there is any residential accommodation on the upper floors of 54 Lordship Lane. However, given the commercial nature of Lordship Lane, which is the A2216 connecting to the south circular and consequently experiences fairly high levels of background noise, including from vehicular traffic, it could be assumed that many flats above commercial premises would have their bedrooms located at the rear.
- 35 It is accepted that the proposed increase in opening hours is likely to result in some additional noise and disturbance to neighbouring occupiers, but given the location of the site in a district centre and on a main road, because many flats are likely to have their bedrooms located at the rear, the lack of any adverse comments from the Public Protection Team and with regard to the fact the Council has already granted a premises licence for the extended opening hours, it is considered that the proposal would not result in a significant loss of amenity that would warrant the refusal of planning permission.

#### **Other matters**

- 36 There are no other matters arising from the proposal.

#### **Conclusion**

- 37 Given that the site is located in a district town centre of which late night uses form part of the character, its position on a main road, the lack of any adverse comments from the Council's Public Protection Team and because the Council has already granted a premises licence for the hours proposed, it is recommended that planning permission be granted.

#### **COMMUNITY IMPACT STATEMENT**

38 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**

39 There are no sustainable development implications arising from the proposal.

#### **HUMAN RIGHTS**

40 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

41 The rights potentially engaged by this application, including a right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

LEAD OFFICER	Gary Rice	Head of Development Management
REPORT AUTHOR	Victoria Lewis	Senior Planner - Development Management [tel. 020 7525 5410]

CASE FILE	TP/2315-52
Papers held at:	Regeneration and neighbourhoods dept. tel.: 020 7525 5403 email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a>

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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>	Mr P. Reilly	<b>Reg. Number</b> 09-AP-0804
<b>Application Type</b>	S.73 Vary/remove conds/minor alterations	
<b>Recommendation</b>	Grant permission	<b>Case Number</b> TP/2315-52

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### Draft of Decision Notice

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

Variation of condition 7 of planning permission reference: 07-AP 2843 to extend opening hours of wine bar from 10:00-23:00 on Monday- Thursday, 11:00-00:00 on Friday and Saturday and 11:00-22:30 on Sunday to: 10:00-00:30 on Monday-Thursday, 10:00-02:00 on Friday and Saturday and 12:00-00:30 on Sunday and public holidays.

**At:** 52 LORDSHIP LANE, LONDON, SE22 8HJ

**In accordance with application received on 22/04/2009**

**and Applicant's Drawing Nos.**

**Subject to the following condition:**

- 1 The premises shall not remain open outside the hours of 10:00-00:30 on Monday-Thursday, 10:00-02:00 on Friday and Saturday and 12:00-00:30 on Sunday and public holidays.

**Reason**

To safeguard the amenities of neighbouring residential properties in accordance with Policy 3.2 Protection of Amenity of The Southwark Plan 2007

- 2 The refuse storage arrangements shown on the approved drawings shall be provided and available for use by the occupiers of the premises before the use of the premises is commenced 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.

- 3 The outdoor area at the front of the shopfront is to be designated as a smoking area only and appropriate signage provided to inform patrons accordingly. This area may not be occupied by any table or chairs.

**Reason:**

To protect public amenity in accordance with Policies 3.2 Protection of Amenity of the Southwark Plan [July] 2007.

- 4 The external space to the rear of the main building shall not be used as a sitting out area by customers to the business at any time.

**Reason**

In order to ensure that the use of the premises does not cause a loss of amenity to the adjoining occupiers by reason of noise and disturbance, in accordance with Policy 3.2 Protection of Amenity of the Southwark Plan [July] 2007.

- 5 The use hereby permitted for wine bar purposes shall not be begun until full particulars and details of a scheme to insulate the premises against the transmission of airborne and impact sound has been submitted to (2 copies) and approved by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given. Any such scheme shall be so designed that noise from the use does not, at any time, increase the ambient equivalent noise level measured immediately outside any of the adjoining or nearby premises (or in the case of separate units of occupation within the same building then inside those units).

## Reason

In order to protect neighbouring occupiers from noise nuisance thereby protecting the amenity of neighbouring occupiers in accordance with Planning Policy Guidance 24 Planning and Noise and Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 6 As there is no kitchen ventilation duct proposed as part of this application, no primary cooking of unprepared food shall be carried out within the premises. Only re-heated food that has been prepared elsewhere shall be served within the premises.

## Reason:

To prevent a loss of amenity to adjoining residential properties in accordance with Policy 3.2 Protection of Amenity of the Southwark Plan [July] 2007.

- 7 The use hereby permitted shall not be begun until full particulars and details (2 copies) of a scheme for the ventilation of the premises to an appropriate outlet level, including details of sound attenuation for any necessary plant and the standard of dilution expected, has been 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.

## Reason

In order to that the Council may be satisfied that the premises would be adequately ventilated and that the ventilation ducting and ancillary equipment will not result in an odour, fume or noise nuisance and will not detract from the appearance of the building in the interests of amenity in accordance with Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Planning Policy Guidance 24 Planning and Noise.

- 8 The proposed use as an A4 drinking establishment shall occupy the ground and basement floors with a kitchen on the first floor back addition. The remainder of the first and second floors shall be used to provide class C3 residential accommodation for staff.

## Reason

The use of the upper floors as A4 premises would be contrary to the objectives of Policy 4.6 Loss of residential accommodation the Southwark Plan which seeks to retain residential floorspace. In addition a general A4 use throughout the building could potentially give rise to noise nuisance to the adjoining residential properties contrary to Policy 3.2 Protection of amenity of the Southwark Plan 2007.

- 9 The ground floor window to the rear elevation hereby permitted shall be fixed shut and shall be maintained as such hereafter.

## Reason

To prevent noise nuisance being carried through to the rear of the premises and in the interests of the amenity of the adjoining residential properties in accordance with Policy 3.2 Protection of amenity 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, 3.12 Quality in Design, 5.2 Transport Impacts and 5.6 Car Parking of the Southwark Plan [July 2007].
- b] Planning Policy Statements [PPS] and Guidance Notes [PPG 24: Planning and Noise (October 1994)].

Particular regard was had to the potential for noise and disturbance to neighbouring occupiers, but given that the site is located in a district town centre of which late night uses form part of the character, its position on a main road, the lack of any adverse comments from the Council's Public Protection Team and because the Council has already granted a premises licence for the hours proposed, it was considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.





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<b>Item No.</b> <b>1.2</b>	<b>Classification</b> OPEN	<b>Decision Level</b> DULWICH COMMUNITY COUNCIL	<b>Date</b> 10/11/09
<b>From</b> Head of Development Management		<b>Title of Report</b> DEVELOPMENT MANAGEMENT	
<b>Proposal</b> (09-AP-1125) Change of use of building from Financial and Professional (Use Class A2) to 6no. self-contained flats (Use Class C3), creation of lightwells at front and rear, erection of single-storey rear extension and first floor rear extension, alteration of shop front to windows at ground floor level and erection of boundary wall to front.		<b>Address</b> 16-18 UPLAND ROAD, LONDON, SE22 9EE  <b>Ward</b> East Dulwich	
<b>Application Start Date</b> 05/06/2009		<b>Application Expiry Date</b> 31/07/2009	

## PURPOSE

- 1 To consider the above application which is before Dulwich Community Council for determination owing to the number of objections received.

## RECOMMENDATION

- 2 Grant.

## BACKGROUND

### Site location and description

- 3 The application site is a 3-storey building plus basement located on the southern side of Upland Road and occupied by an accountancy firm. There is a forecourt area to the front and a small yard at the rear. 10-12 Upland Road is residential, 14 is a live/work unit with flat above and 20 appears to be vacant; there is a parade of local shops on the opposite side of Upland Road.
- 4 The site forms part of the urban density zone and an air quality management area.

### Details of proposal

- 5 Full planning permission is sought for the following:
- 6 Change of use from A2 to C3 comprising 6 self-contained flats (2 x studio, 2 x 1-bed, 1 x 2-bed and 1 x 3-bed).
- 7 Alterations to the front of the building would comprise:
  - creation of 2 lightwells;
  - removal of the shopfront and replace with new windows and doors
  - erection of a 1.1m high boundary wall.

- 8 Alterations to the rear of the building would comprise:
- insertion of two new windows at basement level (side elevation);
  - lightwell to basement;
  - window / door alterations (ground floor level);
  - single-storey extension at ground floor level measuring 2m wide, 2m deep and 2.9m high with a flat roof;
  - extension at first floor level with lean-to roof measuring 2.7m wide and 2.4m deep.
- 9 Materials proposed are as follows:
- painted render;
  - upvc windows and doors;
  - brick to front boundary wall;
  - slate to roof of ground floor rear extension, felt to roof of first floor extension.

#### Amended plans

- 10 The following minor modifications have been made to the plans:
- i) roof to first floor rear extension changed from glazing to felt and a rooflight omitted;
  - ii) annotation to first floor rear extension amended from 'balcony / conservatory' to 'kitchen'; and
  - iii) doors to side elevation of first floor rear extension changed to obscure-glazed, top-opening windows.

#### **Planning history**

- 11 08-AP-2622 - Change of use of building from Financial and Professional (Use Class A2) to 7no. self-contained flats (Use Class C3), creation of lightwells at front and rear, erection of single-storey rear extension and first floor rear extension, new windows to front elevation at ground floor level and erection of boundary wall to front. Planning permission was REFUSED in January 2009 for the following reasons:
- 12 *1. The proposed development would result in the loss of local services without providing details of either an alternative Class A2 use within a 600m radius of the site, or information demonstrating that the existing use has not made a profit over a 2-year period. As such the proposal is contrary to policy 1.10 (ii and iii) 'Small scale shops and services outside the town and local centres and protected shopping frontages' of the Southwark Plan 2007.*
- 13 *2. The proposal represents an overdevelopment of this property at the expense of providing good residential amenity standards, as demonstrated by individual rooms and units being below the minimum floorspace standards set out in the Council's adopted supplementary planning guidance, poor outlook and levels of light to the basement flats and a density level more than double the maximum range for this location. The proposal is therefore contrary to policies 3.2 'Protection of amenity', 4.1 'Density' and 4.2 'Quality of residential accommodation' of the Southwark Plan 2007 and The Residential Design Standards Supplementary Planning Document (2008).*
- 14 *3. The proposed first floor rear extension, by virtue of the window in the east facing elevation would have direct views towards first floor windows at the rear of 44 and 46 Hindmans Road and would result in an unacceptable loss of privacy to these properties as well as future occupiers of the development. The proposal is therefore contrary to policy 3.2 'Protection of amenity' of the Southwark Plan 2007 and The Residential Design Standards Supplementary Planning Document (2008).*

- 15 *4. The proposal would fail to provide convenient, secure and weatherproof cycle parking for each of the flats, and would consequently fail to encourage alternative modes of travel to motor vehicles, contrary to policy 5.3 'Walking and cycling' of the Southwark Plan 2007.*

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

##### 10-12 Upland Road

- 16 02-AP-0142 - Construction of part 2, part 3-storey rear extension; conversion of building to provide 7 self-contained flats with ancillary common room and office. Planning permission was GRANTED in January 2003.
- 17 02-AP-2317 - Conversion of lower ground floor to 1-bedroom flat with alterations to the ground floor elevations. Planning permission was GRANTED in March 2004.

##### 14 Upland Road

- 18 0001062 - Conversion of ground floor and basement to live / work unit. Planning permission was GRANTED in August 2000.

##### 20 Upland Road

- 19 07-AP-0896 - Change of use from A1 (Retail) to A2 (Financial and Professional). Planning permission was GRANTED in August 2007.

##### Land to the rear of 10-18 Upland Road

- 20 05-AP-0103 - Demolition of existing storage/warehouse buildings and erection of two separate two-storey buildings each containing two self-contained flats (4 flats in total). Planning permission was GRANTED in March 2005.

#### **FACTORS FOR CONSIDERATION**

##### **Main Issues**

- 21 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**

- 22 Southwark Plan 2007 [July]

1.10 - Small scale shops and services outside the town and local centres and protected shopping frontages  
 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 accommodation
- 4.2 - Quality of residential accommodation
- 5.2 - Transport impacts
- 5.3 - Walking and cycling
- 5.6 - Car parking

Residential Design Standards SPD (Adopted September 2008)  
Sustainable Design and Construction SPD (September 2008)

23 Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]

PPG13: Transport (April 2001)

**Consultations**

24 Site notice date: 16/06/09                      Press notice date: Not required.

Neighbour consultation letters sent: 15/06/09

Case officer site visit date: 21/01/09 (for previous application)

25 Internal consultees

Access Officer  
Transport Group  
Waste Management

Statutory and non-statutory consultees

N/A.

Neighbour consultees

26 Notification letters have been sent to properties on Upland Road, Darrell Road and Hindmans Road.

Re-consultation

No re-consultation undertaken.

**Consultation replies**

Internal consultees

Access Officer

27 The current access remains unchanged. From footway level is approximately 600mm to ground floor level, which will be accessed with low rise steps. There is insufficient space in the front courtyard to provide a ramp to the front door.

Transport Group

28 1. The site has a Public Transport Accessibility Level (PTAL) of 3 (medium) therefore on-site parking is required to minimise overspill parking. As none is proposed the application is contrary to policy 5.6, but given the site constraints it would not be

expedient to request on-site parking.

- 29 2. Policy 5.3 requires convenient, secure and weatherproof cycle parking - detailed drawings are required.

#### Waste Management

- 30 No response received at the time of writing.

#### Statutory and non-statutory consultees

##### Southwark Cyclists

- 31 Request a planning condition to ensure that secure and covered bike parking spaces are provided within the site for 130% of residents and 6 visitor spaces within 30m of the site.

##### Neighbour consultees

- 32 Two representations have been received in support of the application on the grounds that it would enhance the neighbourhood, the existing building is run-down and out of keeping, and flats would be more appropriate than an accountants office.

- 33 Four representations have been received objecting to the proposal on the following grounds:

1. Increased noise;
2. Traffic generation;
3. Lack of parking;
4. Loss of privacy;
5. Loss of daylight;
6. Integrity of party wall (response – this is not a material planning consideration and is covered separately under the Building Regulations);
7. The details of alternative accountants in the locality is not relevant because as long as the site is in commercial use it has the potential to serve the local community;
8. The proposal would increase pressure on the existing sewerage system (response – this is not a material planning consideration);
9. The proposal would result in the loss of a valuable commercial use in an area that needs more shops and offices;
10. Loss of local employment opportunities;
11. Oversupply of small flats in the area, 3-4 bedroom houses and flats are required;
12. Lack of cycle parking;
13. Lack of refuse / recycle storage.

#### Re-consultation

- 34 No re-consultation undertaken.

### **PLANNING CONSIDERATIONS**

#### **Principle of development**

- 35 Policy 1.10 of the Southwark Plan seeks to protect small scale shops and services outside town and local centres and protected shopping frontages. It states that changes of use from or between A class uses will only be permitted where the applicant can demonstrate that:

- i) *The proposed use would not materially harm the amenities of surrounding occupiers;*

36 Please refer to the amenity section of this report (paragraphs 39-42).

- ii) *the use to be lost would not be the only one of its kind within a 600m radius and would not harm the vitality and viability of nearby shops;*

37 In order to overcome reason for refusal 1 of application reference 08-AP-2622 the applicant has submitted a map which indicates that there are two known accountants firms within a 600m radius of the site one on Lordship Lane and another on Peckham Rye. Future occupiers of the flats are likely to use local shops including those on the opposite side of Upland Road and at 40 Hindmans Road.

or

- iii) *the premises have been vacant for a period of at least 12 months with demonstrated sufficient effort to let, or have not made a profit over a 2 year period.*

38 The building is presently occupied and no information has been submitted with regard to profits. However, the proposal need only comply with part i or part ii of the policy, therefore no objections are raised.

39 Overall, in submitting details of alternative accountancy firms within a 600m radius of the site, the proposal overcomes reason for refusal 1 of application reference 08-AP-2622 and would comply with policy 1.10. The site is located in a predominantly residential area, and the provision of additional housing is welcomed.

#### **Impact of proposed development on amenity of existing and future occupiers**

40 Policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupier and 4.2 requires all residential accommodation to be of an acceptable standard. Further information is contained in the Residential Design Standards SPD.

#### Existing occupiers

41 The proposed use of the building as flats would be consistent with the neighbouring landuses and would not result in any significant noise and disturbance to neighbouring residents. With regard to the external alterations, the proposed alterations at basement and ground floor level would not result in any loss of amenity. The single-storey rear extension would be very modest in size and would sit comfortably below an existing boundary wall and would not be visible from properties at Bouvier Court, which adjoins the rear of the site.

42 The first floor rear extension would be located next to an external terrace at the rear of 14 Upland Road which has a bamboo type screen along the boundary. A 45 degree test undertaken on the nearest window belonging to number 14 failed on the depth of the extension but passed on the height and is therefore unlikely to result in any significant loss of light; any additional shadow would be limited to late during the afternoon.

43 Reason for refusal 3 of the previous application relates to first floor doors which were proposed in the side elevation of the first floor rear extension, and which would have resulted in loss of privacy to 44 and 46 Hindmans Road. In order to address this the

plans have been amended to replace the doors with an obscure glazed, top-opening window, and a condition requiring the window to be retained as such is recommended, to ensure compliance with policy 3.2.

#### Future occupiers

- 44 The overall flat sizes and individual room sizes would largely comply with the minimum floorspace standards set out in the Residential Design Standards SPD. The proposed studio flat on the top floor of the building would be 1.5m undersize, but this is minimal and no objections are raised. Only the maisonettes would have access to private amenity space, although the site is approximately 450m from Peckham Rye.
- 45 Reason for refusal 2 of the previous application partly relates to the quality of accommodation that would be provided in the basement of the building, with particular reference to outlook and levels of light. The previous scheme proposed two separate units in the basement and in order to overcome the concerns, the scheme before Members proposes two maisonettes spanning ground and basement levels, with the less sensitive bedrooms and bathrooms located in the basement and livingrooms and kitchens on the ground floor.
- 46 The creation of lightwells to the front and rear of the building would improve light and outlook to the basement rooms and although a 30 degree line taken through the front basement window would be obstructed by cycle parking, on balance, given the use of the rooms as bedrooms, this is not considered to be of sufficient concern to warrant refusal of planning permission. The rear basement windows would be obstructed by railings, although these would allow light through. With regard to natural light and ventilation, glazing equivalent to 10% of the floor area would be provided, as required by the SPD.
- 47 Refuse storage for the flats would be provided at the front of the building, located behind the new boundary wall. Space would be limited, although the proposed provision has been designed in consultation with the Council's Waste Management Officer and is considered to be acceptable. A condition requiring this to be 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**

- 48 Policy 5.2 of the Southwark Plan seeks to ensure that developments would not result in any adverse highway conditions; 5.6 relates to car parking and maximum car parking standards are set out in Appendix 15 which requires a maximum of one parking space per dwelling in the Urban Density Zone.
- 49 No off-street parking is proposed therefore the proposal is contrary to policy 5.6. It is also noted that residents have raised concerns regarding traffic generation and lack of parking. However, the site has a medium public transport accessibility level (PTAL) and is within walking distance of Lordship Lane which is well served by busses, and there are busses along Barry Road which is approximately 140m to the east of the site. Given that the Southwark Plan operates maximum parking standards in accordance with PPG13, which advises that developments should provide less parking than may have been required in the past in order to encourage alternative means of travel to the private vehicle, it is considered unlikely that lack of parking as a reason for refusal could be successfully defended at appeal.
- 50 Policy 5.3 requires developments to adequately cater for pedestrians and cyclists and reason for refusal 4 of the previous application relates to lack of cycle parking. Only



two spaces were shown on the plans and given the site constraints, it was not considered that this matter could be left to condition.

- 51 In seeking to overcome this, the current scheme proposes six cycle parking spaces, one per flat. Three would be provided in a dedicated store at the front of the building, one at ground floor level and two at basement level. The basement provision is not ideal as people would have to carry bikes down a flight of stairs, but given the site constraints no objections are raised. A condition requiring it to be provided prior to occupation and retained as such thereafter is recommended.

### **Design issues**

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

- 53 The works to the front elevation are considered to be acceptable on design grounds, and not dissimilar to other former shops which have been converted to residential use at 10-12 and 13-19 Upland Road. It is the view of officers that the front elevation would be improved if it were in filled with matching brick rather than render, and a condition to this effect is recommended.

- 54 The proposed rear extensions would be very modest and would appear subservient to the original building, in accordance with SPD guidance. There are no objections to the window/door alterations and lightwells on design grounds and similar work has taken place at 10-12 Upland Road.

### **Other matters**

#### Density

- 55 Policy 4.1 of the Southwark Plan requires residential developments within the urban density zone to achieve a density of between 200 and 450 habitable rooms per hectare (lower zone).

- 56 The development would achieve a density of 952 habitable rooms per hectare and is therefore contrary to policy 4.1. However, although the proposal would be well over the maximum recommended density, given that the quality of accommodation that would be created is considered to be acceptable, no objections are raised.

### **Conclusion**

- 57 It is the view of Officers that the proposal overcomes the reasons for refusing application 08-AP-2622, therefore it is recommended that conditional planning permission be granted.

### **COMMUNITY IMPACT STATEMENT**

- 58 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**

59 There are no sustainable development implications arising from the proposal.

### HUMAN RIGHTS

60 This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

61 The rights potentially engaged by this application, including a right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

LEAD OFFICER Gary Rice Head of Development Management  
 REPORT AUTHOR Victoria Lewis Senior Planner - Development Management [tel. 020 7525 5410]

CASE FILE TP/2567-12  
 Papers held at: Regeneration and neighbourhoods dept.  
 tel.: 020 7525 5403 email: [planning.enquiries@southwark.gov.uk](mailto:planning.enquiries@southwark.gov.uk)

<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	N/A
Finance Director	No	N/A
List other officers here		
<b>Executive Member</b>	No	N/A
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>		November 10 2009

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**RECOMMENDATION  
LDD MONITORING FORM REQUIRED**

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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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**Applicant** Mr R. Ryan  
**Application Type** Full Planning Permission  
**Recommendation** Grant permission

**Reg. Number** 09-AP-1125

**Case Number** TP/2567-12

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**Draft of Decision Notice**

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

Change of use of building from Financial and Professional (Use Class A2) to 6no. self-contained flats (Use Class C3), creation of lightwells at front and rear, erection of single-storey rear extension and first floor rear extension, alteration of shop front to windows at ground floor level and erection of boundary wall to front.

**At:** 16-18 UPLAND ROAD, LONDON, SE22 9EE

**In accordance with application received on** 05/06/2009

**and Applicant's Drawing Nos.** Site location plan, M18587/1, M18587/2, M18587/3 Rev A, M18587/4 Rev B, M18587/5 Rev B, M18587/6 Rev A, Design and Access Statement, Waste Management Plan, Principle of proposed development document, google map showing location of alternative accountancy firms.

**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 The windows at first floor level in the side (east) facing elevation of the first floor rear extension shall be obscure glazed and top-opening only and shall be retained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at 44 and 46 Hindmans Road from undue overlooking in accordance with policy 3.2 'Protection of amenity' of the Southwark Plan 2007.

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

Reason

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

- 4 The cycle storage facilities as shown on drawing number M18587/3 Revision A 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.

- 5 Notwithstanding the details shown on the approved plans, the front elevation (excluding retained fascia board) shall be constructed of matching brick.

Reason

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with 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 1.10 - Small scale shops and services outside the town and local centres and protected shopping frontages, 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 accommodation, 4.2 - Quality of residential accommodation, 5.2 - Transport impacts, 5.3 - Walking and cycling and 5.6 - Car parking of the Southwark Plan [July 2007].
- b] Planning Policy Guidance Notes [PPG] 13: Transport.

Particular regard was had to lack of parking and the quality of accommodation that would be created, but given the availability of public transport and because less sensitive accommodation would be located in the basement of the building, it was considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

-

Ordnance Survey

Date 2/11/2009



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<b>Item No.</b> <b>1.3</b>	<b>Classification</b> OPEN	<b>Decision Level</b> Dulwich Community Council	<b>Date</b> 10/11/2009
<b>From</b> Head of Development Management		<b>Title of Report</b> DEVELOPMENT MANAGEMENT	
<b>Proposal</b> (09-AP-1824) Revision of approved scheme 08-AP-3030. Increasing the pitch of the approved ground floor skylight, to improve self cleaning potential of the glass. Alteration of an existing opening on the east elevation of the kitchen block to create a window into the kitchen office.		<b>Address</b> DULWICH HAMLET SCHOOL, DULWICH VILLAGE, LONDON, SE21 7AL <b>Ward</b> Village	
<b>Application Start Date</b> 20/08/2009		<b>Application Expiry Date</b> 15/10/2009	

### PURPOSE

- 1 For determination by Members of Dulwich Community Council due to the number of objections received.

### RECOMMENDATION

- 2 Grant Planning Permission

### BACKGROUND

#### Site location and description

- 3 The Dulwich Hamlet School is located at the intersection of Dulwich Village and Turney Road. Whilst not being a listed property, it is within the Dulwich Village Conservation Area. The immediate area is residential although immediately to the north of the site is a commercial strip for the Village.
- 4 On the western boundary adjacent No. 175 Turney Road are single storey buildings including a music room and store-rooms.

#### Details of proposal

- 5 Permission is sought for alterations to the previously approved scheme. The alterations consist of the following;
- 6 Increasing the pitch of the approved ground floor skylight.
- 7 Altering an existing double door to the kitchen block to form one larger window.
- 8 It was originally proposed to install 5 new rooflights along the western roof slope, however this element of the scheme has since been withdrawn.

### Planning history

- 9 07-AP-0766 Planning permission was granted 12/06/2007 for a single storey extension to music room (located adjacent to No.175 Turney Road) to provide additional accommodation for the school.
- 10 07-AP-2593 Planning permission was granted 24/12/2007 for the replacement of existing gates and railings to school to match original with railing height 1.8m; addition of new brick piers.
- 11 08-AP-3090 Planning permission was granted 10/03/2008 for re-cladding the existing kitchen including replacement of existing cladding. Conversion of a window to a door in the dining hall for use as a fire escape. Addition of a rooflight to improve daylight to the dining hall. Construction of a cloister/canopy alongside kitchen.
- 12 09-AP-1785 Permission was granted 27/08/2009 for the approval of materials in respect of the cladding in application 08-AP-3090.

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

- 13 None relevant.

### **FACTORS FOR CONSIDERATION**

#### **Main Issues**

- 14 The main issues in this case are:
- a] the principle of the development in terms of land use and conformity with strategic policies.
  - b] the impact of the proposal on the amenity of the adjoining residential properties and
  - c] the impact upon the Dulwich Village Conservation Area.

#### **Planning Policy**

- 15 Southwark Plan 2007 [July]  
3.2 Protection of amenity  
3.12 Quality in design  
3.13 Urban design  
3.16 Conservation areas
- 16 Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]  
PPG 15 Planning and the Historic Environment

#### **Consultations**

- 17 Site notice date: 28/09/2009                      Press notice date: 10/09/2009
- 18 Neighbour consultation letters sent: 14/09/2009
- 19 Case officer site visit date: 28/09/2009
- 20 Internal consultees  
N/A

21 Statutory and non-statutory consultees  
Dulwich Society  
Dulwich Estates

22 Neighbour consultees  
11 ROSEWAY LONDON SE21 7JT  
12 ROSEWAY LONDON SE21 7JT  
40 DULWICH VILLAGE LONDON SE21 7AL  
175 TURNEY ROAD LONDON SE21 7JU  
173 TURNEY ROAD LONDON SE21 7JU  
12 DULWICH VILLAGE LONDON SE21 7AL  
11-17 DULWICH VILLAGE LONDON SE21 7AL

23 Re-consultation  
26/10/2009

### **Consultation replies**

24 Internal consultees  
N/A

25 Statutory and non-statutory consultees  
Dulwich Society - Raised concerns about how the roof windows would be installed and the size of the roof windows due to issues of both glare and solar gain at certain times.

26 Neighbour consultees  
11 Roseway - objects to the installation of the five roof windows as it would result in overlooking of the house and garden, it will undermine the beautiful features of the old school building, they will cause glare, and result in more noise from the school, if windows are left open. Concern was also raised about lights left on causing light pollution.

27  
171 Turney Road - Objects to the windows in respect of the loss of view from Turney Road of the tower, the potential increase in noise and light pollution.

28 Re-consultation  
No further comments received at the time of writing this report.

### **PLANNING CONSIDERATIONS**

29 **Principle of development**  
The proposal seeks to make some minor changes to the original scheme which established the principle of the development.

30 **Environmental impact assessment**  
Not required for a scheme of this size.

31 **Impact of proposed development on amenity of adjoining occupiers and surrounding area**  
The proposed use as a school remains the same, the alterations proposed are fairly minor and are not considered to compromise the amenity of the adjoining residential properties. The roof windows have been removed from the scheme and this was the



element that gave rise to the neighbouring objections.

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

Not applicable.

33 **Traffic issues**

There are no traffic issues arising from the proposal.

34 **Design issues, Impact on character and setting of a listed building and/or conservation area**

The proposed alterations would deviate only slightly from the previously approved scheme. The proposals are part of the overall improvement on the existing 1960's kitchen and storage structure and introduce a more refined architectural articulation to the southern, eastern and northern elevations. This improvement helps the relationship to the original London School Board 1890's primary school and also enhances the character and appearance of the Dulwich Village Conservation Area.

35 **Impact on trees**

The proposal would impact on any trees.

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

Not required for a scheme of this size.

37 **Conclusion**

The proposal is for small changes to the previously approved scheme. There were concerns raised by residents about the proposition of new rooflights within the western roof slope of the original building, however this element is now removed from the application. It is not considered that the proposed works would be harmful to the amenity of residential properties and that the overall scheme would enhance the character and appearance of the Dulwich Village Conservation Area. It is therefore recommended that planning permission is granted.

**COMMUNITY IMPACT STATEMENT**

38 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.

39 **HUMAN RIGHTS**

This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

40

This application has the legitimate aim of providing a development that supports the provision of educational facilities for school children. The rights potentially engaged by this application, including a right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

41 **SUSTAINABLE DEVELOPMENT IMPLICATIONS**

The proposal which is part of the overall refurbishment of the kitchen area would allow

the existing structure to remain, whilst improving its energy efficiency.

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

CASE FILE TP/2546-C  
 Papers held at: Regeneration and neighbourhoods dept.  
 tel.: 020 7525 5403 email:planning.enquiries@southwark.gov.uk

<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	N/A
Finance Director	No	N/A
List other officers here		
<b>Executive Member</b>	No	N/A
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>		November 10 2009

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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>	Southwark Council	<b>Reg. Number</b> 09-AP-1824
<b>Application Type</b>	Council's Own Development - Reg. 3	
<b>Recommendation</b>	Grant permission	<b>Case Number</b> TP/2546-C

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### Draft of Decision Notice

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**Permission was GRANTED, subject to the conditions and reasons stated in the Schedule below, for the following development:**

Revision of approved scheme 08-AP-3090. Increasing the pitch of the approved ground floor skylight, to improve self cleaning potential of the glass. Alteration of an existing opening on the east elevation of the kitchen block to create a window into the kitchen office.

**At:** DULWICH HAMLET SCHOOL, DULWICH VILLAGE, LONDON, SE21 7AL

**In accordance with application received on** 20/08/2009 08:06:42

**and Applicant's Drawing Nos.** 644-1.001, 644-SKO2A, 644-SK03A, 644-0.002, 644-4.000A, 644-4.011A, 644-SK-C02, 644-4.000  
644-SK14.3A Approved East Elevation, 644-SK14.3A Approved North Elevation, Design and Access Statement

#### **Schedule**

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

**Reason**

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

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

**Reason**

To ensure that the new works blend in with the existing building in the interest of the design and appearance of the building in accordance with Policy 3.12 Quality in Design and 3.16 Conservation Areas 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, 3.12 Quality in design, 3.13 Urban Design and 3.16 Conservation Areas of the Southwark Plan [July 2007].

Careful consideration was given to the objections raised relating to visual and residential amenities, including impacts in relation to overlooking. However, these impacts are not considered to be such as to warrant refusal. Consideration was also had to impacts on the character and appearance of the Dulwich Village Conservation Area where it was considered that the scheme would enhance the character and appearance of the conservation area. Accordingly, planning permission was granted, subject to conditions, as there are no, or insufficient, grounds to withhold consent on the basis of the policies considered and other material planning considerations.

Ordnance Survey

Date 2/11/2009



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<b>Item no</b> <b>1.4</b>	<b>Classification</b> OPEN	<b>Decision Level</b> Dulwich Community Council	<b>Date</b> 10/11/2009
<b>From</b> Head of Development Management		<b>Title of Report</b> DEVELOPMENT MANAGEMENT	
<b>Proposal</b> (09-AP-1267) Extensions at basement and ground floor level, rear dormer window extension; front rooflight and conversion to form 4 self contained flats.		<b>Address</b> 325 LORDSHIP LANE, LONDON, SE22 8JH <b>Ward</b> East Dulwich	
<b>Application Start Date</b> 26/08/2009		<b>Application Expiry Date</b> 21/10/2009	

**PURPOSE**

- 1 To consider the above application which has been called in by Dulwich Community Council.

**RECOMMENDATION**

- 2 To grant planning permission.

**BACKGROUND****Site location and description**

- 3 The site comprises an existing three storey with lower ground floor semi-detached dwelling with a pitched roof, located on the eastern side of Lordship Lane. The dwelling appears to be original with no extensions, although there is an original two storey rear projection. There are no outbuildings on the site and a substantial rear garden area. The immediate area here in Lordship Lane, is characterised by residential uses of both terraced and semi-detached construction.
- 4 Many of the surrounding properties have been converted into flats, typically demonstrating rear projections over two-three storeys in height. 327 Lordship Lane currently has a rear projection further than that at the application site, while the attached pair at no.323 Lordship Lane reflects a small two storey projection, matching that existing at the application site.
- 5 A number of properties in the area also have side, external staircases, providing access to individual flat units within the buildings.

**Details of proposal**

- 6 The proposal involves:
  - Conversion of the existing dwellinghouse into four self contained residential flats,
  - Construction of a two storey rear extension (3.6m wide, 3.6m deep and 6m high) in matching stock brick,
  - Construction of a dormer window extension in cedar to the rear elevation and one rooflight to the front elevation.
  - Provision of bin and recycling storage, cycle storage and secure entry gate to communal garden at rear.
- 7 All four flats have an open plan kitchen and lounge. Floor areas and bedrooms are

as follows:

- Flat 1, 62.7sqm, lower ground floor: 2 bed,
- Flat 2, 52.7sqm, ground floor: 1 bed,
- Flat 3, 42.8sqm, first floor: Studio,
- Flat 4, 65.6sqm, second floor and loft: 2 bed.

### **Planning history**

- 8 07-AP-2559 - Planning permission refused for the conversion of the property into 4 self-contained flats together with the erection of a 4 storey rear extension, unenclosed external staircase and associated alterations to windows and doors. Planning permission was refused on the grounds of the proposal being an overdevelopment of the property and the excessive scale of the rear extension having adverse design and amenity effects.
- 9 07-AP-1370 - Planning permission refused for the conversion of the property into five self-contained flats together with the erection of a part single, part four storey rear extension, construction of a side and rear dormer extension and erection of an enclosed external staircase at the side of the building. Planning permission was refused on the grounds of the proposal being an overdevelopment of the property, causing adverse effects on parking and refuse storage. The excessive scale of the rear extension, dormer and external staircase were considered to have adverse design and amenity effects.
- 10 APP/A5840/A/07/2060095 - Appeal dismissed for 07-AP-1370. The appeal was dismissed on design and amenity grounds as a result of the rear extension and external staircase. Highway safety and waste provision were deemed acceptable by the inspectorate.
- 11 08-AP-1331 - Planning permission refused 21/08/2008 to convert a single dwellinghouse into four separate units, including single storey extension to the lower ground floor to the rear of the property and adding an external staircase at the side, bike storage unit and waste and recycling facilities. Reasons for refusal included:

*The proposed metal staircase at the side of the building would due its width, height and location occupy a substantial part of the gap between no. 325 and no. 327, the first in an adjacent row of 8 terraced dwellings, thereby infilling an important gap between two house types. The proposal is considered contrary to Policy 3.12 Quality in Design and 3.13 Urban Design of the Southwark Plan 2007.*

*The proposed external metal staircase due the material and proximity to the adjoining property at no. 327 is liable to give rise to noise nuisance by reason of the comings and goings of the occupants of the flats on the first and second floors of the proposed conversion. As such the proposal is contrary to Policy 3.2 Protection of Amenity of the Southwark Plan 2007.*

*The proposed one bedroom units on the first and second floors would fail to provide an adequate level of accommodation for future occupants by reason of their overall size being under the 45 square metre minimum floorspace area contrary to the Southwark Plan Policy 3.11 Efficient use of land and 4. 2 Quality of residential accommodation and the adopted SPG Standards, controls and guidelines for residential development 1997 and in respect of the internal room sizes and overall flat size would be contrary to the Draft Residential design standards 2008.*

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

- 12 323 Lordship Lane – TP/2315-323/RMQ – Change of use of single dwelling at 323 Lordship Lane to three self-contained, one person flats and one self-contained two person flat and alterations associated therewith.
- 13 327 Lordship Lane – Reg. no. 494/88 – Conversion of single dwelling into two

self-contained flats at 327 Lordship Lane together with the erection of a ground floor rear extension.

## **FACTORS FOR CONSIDERATION**

### **Main Issues**

- 14 The main issues in this case are:
- a] The principle of the development in terms of land use and conformity with strategic policies,
  - b] The impact of the proposal on the amenity of adjoining occupiers,
  - c] The quality of residential accommodation,
  - d] The design of the proposal,
  - e] The impact of the proposal on traffic and parking.

### **Planning Policy**

- 15 Southwark Plan 2007 [July]  
 3.2 Protection of Amenity  
 3.11 Efficient use of Land  
 3.12 Quality of Design  
 3.13 Urban Design  
 4.2 Quality of Residential Accommodation  
 5.2 Transport Impacts  
 5.3 Walking and Cycling
- 16 Planning Policy Guidance [PPG] and Planning Policy Statements [PPS]  
Residential Design Standards SPD 2008 [September].

### **Consultations**

- 17 Site notice date: 10/09/2009 Press notice date: N/A

Neighbour consultation letters sent: 07/09/2009

Case officer site visit date: 10/09/2009 unaccompanied.

#### Internal consultees

Transport Group.

#### Statutory and non-statutory consultees

None.

#### Neighbour consultees

As listed in Acolaid.

#### Re-consultation

None.

### **Consultation replies**

- 18 Internal consultees  
 Transport Group made the following comments:  
Cycle parking  
*No cycle storage has been provided Southwark plan states that cycle storage must be provided at 1:1. Policy 5.3 of the Southwark Plan states that cycle storage must be convenient, secure*

and weatherproof. For reasons of convenience, cycle storage must be of dimensions as stated in *Manual for Streets*, sections 8.2.21-8.2.24. Detailed and accurate plans are required to demonstrate the provision of cycle storage.

Car parking

This development is in a medium (TfL indicative) PTAL and not within a CPZ. We would normally require some off street parking provision, however given this is a conversion there are site constraints that prevent off street parking from being provided.

Transport DC have no objections to this application, provided the above issues are addressed.

- 19 **Comment:**  
Two cycle storage units are proposed (accommodating two cycles each) within the alleyway of the site behind the secure gate to the rear communal garden. The units satisfy Council policy for the provision of convenient, secure and weatherproof cycle storage.

- 20 Neighbour consultees  
Two responses were received, one in support and one in objection.

Reasons for objection included:

The development is not in keeping with the area,  
The development detracts from the area environmentally,  
Lack of car parking in the area to cope with the increased occupancy,  
Noise disturbance from builders,  
Increased noise from occupiers of proposed units.

The response in support made comments on ensuring a secure garden gate is provided and sewerage is dealt with appropriately.

## **PLANNING CONSIDERATIONS**

### **Principle of development**

- 21 In principle there is no objection to the conversion of this dwellinghouse into four self-contained units, provided there are no adverse impacts on the amenity of adjoining occupiers or the appearance of buildings. Planning history in the area indicates these conversions are a common form of development, with several having been carried out with rear extensions to increase habitable floorspace.

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

- 22 The dwelling currently has a two storey pitched roof extension to the rear which measures 2.4m wide, 3.2m deep and 4.8m and 5.5m high at the eaves and pitch. The proposal involves demolishing this projection and building a larger rear extension in its place. The proposed extension will be deeper (approx 0.4m), wider (approx 1.2m) and higher (approx 1.2m) than the existing projection, which will lead to increases in shading, dominance and enclosure over neighbouring properties. However given the location of the extension and the increase in size, any impacts are considered minor and will not detract from the amenity of neighbouring occupiers to a level which would be unacceptable.

- 23 The windows proposed on the extension and dormer window are appropriately placed to avoid any impacts on privacy from overlooking.

### **Traffic issues**

- 24 Traffic issues concerning parking have been considered adequate by previous decisions to serve the needs of the site and again there are no changes proposed



through this application. The Transport Group note that the site has a medium level of access to public transport and that there are no parking restrictions in force on this part of Lordship Lane. Neighbour responses to consultation have noted the existing on-street parking pressure and that the conversion to flats will exacerbate this pressure. It is acknowledged that parking does appear limited, however without parking restrictions in force, a refusal of the application for impacts on traffic and parking is not warranted.

25 Members have requested that the applicant provides funding for the establishment of a car club space in the locality. However no policy justification exists for this requirement, and in the absence of an identified need for a car club space, plus no comments from the Council's Transport or Highways team asking for such funding, requiring a space from the applicant is considered unjustified.

26 Bicycle storage is proposed for four bicycles in the alleyway behind the secure gate to the communal garden. The storage proposed is considered convenient, secure and weatherproof. There are concerns that the storage as proposed may not be in a feasible location in terms of maintaining clear access to the communal garden, as such details of cycle storage will be requested as a condition.

27

#### **Quality of residential accommodation**

Internally the living areas, bedrooms and bathrooms of the flats provide a satisfactory standard of residential accommodation. Minimum floor area guidance is exceeded for all flats and the layout is considered adequate to provide a good standard of residential accommodation. All habitable rooms have access to natural light and ventilation with acceptable amounts of privacy and outlook.

#### **Design issues**

28 The rear extension is not visible from any public place. The scale and materials assist the extension in appearing subservient and blending with the existing building. Many of the buildings along this section of Lordship Lane have had extensions added over time and the proposal is considered in keeping with this established pattern.

29 The dormer window sits within the roofslope outline, being set back from the eaves and below the ridge height. The cedar finish is considered an acceptable cladding for this location.

#### **Other matters**

30 Waste disposal and recycling facilities are proposed for residents under and beside the entrance steps to the building. The facilities proposed appear adequate, however their use in these locations may lead to disturbance for occupiers of the nearest habitable rooms. To prevent these potential adverse impacts a condition is recommended requiring details of waste disposal prior to occupation.

#### **Conclusion**

31 The conversion of the building into four flats with rear ground floor extension and dormer window is considered an appropriate level of development for this site. The number of flats and external changes proposed are of an appropriate scale and design to avoid adverse effects on the building and the amenity of adjoining neighbours. Internally the layout and floor areas will provide a good standard of residential accommodation. Accordingly the proposal is consistent with Council policy and is recommended for approval.

#### **COMMUNITY IMPACT STATEMENT**

32 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.

### 33 HUMAN RIGHTS

This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.

The rights potentially engaged by this application, including a right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### SUSTAINABLE DEVELOPMENT IMPLICATIONS

34 Conditions will be imposed regarding composting and rainwater collection.

LEAD OFFICER Gary Rice Head of Development Management  
 REPORT AUTHOR Jeremy Talbot Planning Officer [tel. 020 7525 5330]  
 CASE FILE TP/2315-325  
 Papers held at: Regeneration and neighbourhoods dept.  
 tel.: 020 7525 5403 email:planning.enquiries@southwark.gov.uk

<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	N/A
Finance Director	No	N/A
List other officers here		
<b>Executive Member</b>	No	N/A
<b>Date final report sent to Constitutional/Community Council/Scrutiny Team</b>		November 10 2009

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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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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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**Applicant** Mrs E. Knox  
**Application Type** Full Planning Permission  
**Recommendation** Grant permission

**Reg. Number** 09-AP-1267

**Case Number** TP/2315-325

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### Draft of Decision Notice

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

Extensions at basement and ground floor level, rear dormer window extension; front rooflight and conversion to form 4 self contained flats.

**At:** 325 LORDSHIP LANE, LONDON, SE22 8JH

**In accordance with application received on** 18/06/2009

**and Applicant's Drawing Nos.** A-001 Rev A, A-002, A-003, A-004, A-005 Rev A, A-006 Rev A, A-007, A-008 Rev B, A-009 Rev A, 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 The materials to be used in the implementation of this permission shall not be otherwise than as described and specified in the application and on the drawings hereby approved unless the prior written consent of the local planning authority has been obtained for any proposed change or variation.

Reason:

To ensure the use of appropriate materials in the interest of the design and appearance of the building and the visual amenity of the area in accordance with policy 3.12 'Quality in Design' of the Southwark Plan 2007 [July].

- 3 The dwellings hereby permitted shall not be occupied before details of the arrangements for the storing of domestic refuse have been 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 3.2 'Protection of Amenity' and 3.7 'Waste Reduction' of the Southwark Plan 2007 [July].

- 4 Details of the facilities to be provided for the secure storage of cycles shall be submitted to (2 copies) and approved by the local planning authority before the development hereby approved is commenced and the premises shall not be occupied until any such facilities as may have been approved have been provided. Thereafter the cycle parking facilities provided shall be retained and the space used for no other purpose without the prior written consent of the local planning authority, to whom an application must be made.

Reason

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development 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 [July].

- 5 Prior to the occupation of the units details of facilities for the composting of organic waste and the collection of

rainwater for recycling shall be submitted to and approved by the Local Planning Authority. No occupation of the units shall take place until any provision as may have been approved is in place.

Reason

To reduce water wastage and increase household recycling in compliance with Policy 3.4 Energy Efficiency and 3.9 Water of the Southwark Plan January 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', 3.11 'Efficient use of Land', 3.12 'Quality of Design', 3.13 'Urban Design', 4.2 'Quality of Residential Accommodation', 5.2 'Transport Impacts' and 5.3 'Walking and Cycling' of the Southwark Plan [July 2007].

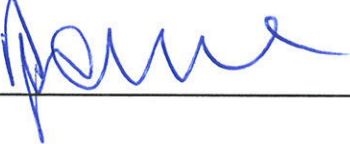
Particular regard was had to the potential impacts on the amenity of adjoining properties as a result of the proposed rear extension, however it was considered that given the bulk of the existing rear extension, this would not be a significant increase in built form over what currently exists. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

**DULWICH COMMUNITY COUNCIL MEETING  
CASE OFFICER REPORT RECORD SHEET**


**PLANNING ENFORCEMENT UPDATE REPORT**

**Date: 02/11/09**


**Recommendation proposed by Report Author**

Signed  date 02/11/09

**Recommendation cleared by Team Leader / Group Manager:**

Signed  date 2/11/09

**Recommendation cleared by Head of Development Management:**

Signed  date 2/11/09

**Recommendation NOT cleared by Team Leader / Group Manager OR  
Head of Development Management**

Signed \_\_\_\_\_ date \_\_\_\_\_

**Reason Recommendation NOT agreed:**

**Decision made by Planning Committee / Community Council**

Signed \_\_\_\_\_ date \_\_\_\_\_



<b>Item No.</b>	<b>Classification: Information Only</b>	<b>Date:</b> 02 <sup>nd</sup> November 2009	<b>Meeting Name:</b> Dulwich Community Council <b>10/11/09</b>
<b>Report title:</b>	<b>PLANNING ENFORCEMENT UPDATE REPORT</b>		
<b>From:</b>	Head of Development Management		

### Summary and purpose

1. This report is intended to provide members with a brief and informative insight into the performance of the planning enforcement service and the progress of some key cases over the period April to September 2009 within the Dulwich Community Council area. It is the intention of the planning enforcement team to provide these quarterly performance reports to all community councils.
2. Please note that this report is for information purposes only. The determination of planning enforcement investigations and conduct of enforcement appeals is delegated to officers under the Southwark Constitution 2008. Part 3F Note (a). Members are advised that they do not have a decision making function in relation to Enforcement Cases. If there are any specific enforcement cases that members would like to be updated on at the next community council meeting please contact Dennis Sangweme in the planning enforcement team in time for the meeting in January.

### Performance Data

- 3.1 The table below shows performance in dealing with investigations and overall performance on cases received over the period April to September 2009.

	<b>Previous Year 08/09</b>	<b>1<sup>st</sup> Quarter 2009</b>	<b>2<sup>nd</sup> Quarter 2009</b>	<b>Total for 2009</b>
Cases Received	69	20	16	36
Cases Resolved	56	10	17	27
Live cases				98
Instructions to Legal		1	2	2
Enforcement Notices Served		1	2	2

- 3.2 There has been a slight increase in the number of enquiries over the reporting period compared to the previous 3 quarters. Cases resolved above includes: enquiries where no breach was found, where it was found not to be expedient to take enforcement action, where the breach ceased and where retrospective planning permission was received. Approximately 80% of the breaches of planning control were dealt with without resorting to formal enforcement action

and this is largely attributable to the negotiating skills of the planning enforcement officers involved. Officers in the team have developed good engagement/negotiating skills to achieve agreed compliance without the need of often expensive and protracted enforcement action.

3.3 However where the breaches of planning control could not be resolved by negotiated resolution, officers considered formal planning enforcement action and **instructed legal services** accordingly as shown below:

### Enforcement Notices & Appeals

3.4 Three enforcement notices were served over the reporting period as shown in the table below:

Address	Requirements of Notice	Date Notice expires	Appeals	Further action needed
268 Upland Road, London SE22 0DN	Without planning permission, The conversion of the existing dwelling house to create one self-contained two (2) bedroom flat on the first floor and one self-contained three (3) bedroom flat over the ground and first floors, without the benefit of prior planning permission.	Enforcement notice issued on 26/08/09 & barring an appeal takes effect on 28/09/09 with a 4 months compliance period	Appeal now been lodged	Members will be advised if an appeal is lodged.
126 Lordship Lane, London SE22 8HD	Without the benefit of planning permission, the installation of one (1) air-conditioning unit and two (2) refrigeration units'. It appears to the Council that the above breach of planning control has occurred within the last four years and in the absence of planning permission, the development is not immune from enforcement action. Enforcement notice served on the 21 <sup>st</sup> of May 2009 on all interested parties of the abovementioned property. Barring this appeal, the notice would have taken effect on the 25 <sup>th</sup> of June 2009.	Requirements of notice suspended pending new planning application. The notice, though, remains in force on the land.	Appeal withdrawn because a planning application will be submitted to address the refusal of planning permission on the previous planning application.	Members & Residents will be consulted on the new planning application
Land situated at, 549 Lordship Lane, London SE22 8LB shown edged red on the attached plan (the White Gothic House).	Without planning permission, the erection of building and its use as six self-contained residential flats, adjacent to a Grade II Listed Building (the Unauthorised Development). The enforcement notice was served on 22/10/09, a copy of which has been attached here. The notice requires the owner of the site to (i) demolish the unauthorised building in its entirety and (ii) remove from the site any materials and debris associated with compliance with step (i).	Requirements of notice suspended pending decision on appeal against the notice	To be combined with CPO appeal	Members & Residents will be formally notified of appeal in due course



3.5 As members might be aware, failure to comply with the requirements of an enforcement notice is an offence and a person guilty of the offence is liable, on conviction at the Magistrate's Court, to a fine not exceeding £20,000 or an unlimited fine if convicted at Crown Court. Members might be aware that in order to secure compliance with an enforcement notice, the Town and Country Planning Act, 1990 and the extended provisions in the Planning and Compensation Act, 1991, empowers local planning authorities to take direct action in default by the owner or occupier of the land. This means that where any steps required by an enforcement notice to be taken are not taken within the period for compliance with the notice, the Council as the Local Planning Authority may carry out the works in default and recover the costs from the owners of the premises.

3.6 Officers will seek to utilise all the available enforcement powers as the effectiveness of the development management system largely depends on the willingness of the Council to take effective enforcement action.

### **Pro-Active Projects**

3.7 Members might be aware that the planning enforcement team is running three pro-active initiatives aimed at (i) the removal of inappropriately located and unsightly advertisement hoardings in the Borough. The main area of focus for this initiative has been conservation areas, displays close to and attached to listed buildings and major thoroughfares (ii) cessation of the authorised use of buildings as places of worship by various faith groups and (iii) the removal of inappropriately located and unsightly satellite dishes within conservation areas, on listed buildings and along Southwark's main thoroughfares and high streets. The planning enforcement team is also coordinating with other business units to pilot an initiative to proactively identify and remediate breaches of planning control affecting Southwark's thoroughfare and high streets in order to improve the character and appearance of these highly visible main roads. There are no current cases to report within Dulwich on pro-active initiatives.

### **3.8 Other sites of interest to members:**

- i. **302 LORDSHIP LANE, LONDON SE22 8LY** – Successful resolution of the breaches of planning control at this address. The brief facts of this case are that planning permission granted in 2005 for the conversion of the existing dwelling house into three self-contained flats, a two storey rear extension, a ground floor side extension, a rear dormer window, roof lights and elevational alterations (ref: 05-AP-2215). The development as built was then found to be not in accordance with the planning approval and the developer failed to regularise the alterations through several retrospective planning applications. An enforcement notice was subsequently served to bring the development into compliance with the approved plans. The notice was upheld on appeal. A recent site inspection shows that the requirements of the enforcement notice have been complied with.

- ii. **312 LORDSHIP LANE, LONDON SE22 8LY** – The breach of planning control investigated at the above site is the removal of the front boundary fence to Lordship Lane and laying out of a hardstand in the front garden to allow the parking of motor vehicles in front of the residential flat building. This work was carried out without the benefit of planning permission. Following unsuccessful effort to resolve the breach of planning control by negotiation, an enforcement notice was served on the owner directing the removal of the hardstand and the cessation of the use of the front garden as a vehicle parking area. The owner requested that he be allowed to retain the hardstand if a permanent boundary fence was erected along the front boundary to prevent vehicles from parking in the front garden. This arrangement was agreed and a timber boundary fence under one metre in height has now been erected, preventing the vehicular access to the front garden.
- iii. **The White Gothic House, 549 LORDSHIP LANE, LONDON SE22 8LB** –  
  
Officers have now served an enforcement notice requiring the demolition of the building and a public inquiry is scheduled for the 3<sup>rd</sup> of February 2010 to determine the matter as indicated above.
- iv. **Listed Wall at rear of 19 VILLAGE WAY, LONDON SE21** – The owner of this site has failed to comply with the Section 215 Notice issued by the Council directing the reinstatement of the listed wall, which has fallen into disrepair. A briefing meeting was held with members to discuss options available to the Council to repair the grade II listed wall at the above site. Officers have commenced prosecution proceedings against the owners of the site for failing to comply with a s215 notice requiring the rebuilding of the damaged sections of the wall. It was felt that a prosecution will allow the s215 to be scrutinised in the courts and strengthen the Council's position in the event of direct action for the works in default to rebuild the wall. Legal Services have now been instructed to commence prosecution proceedings.
- v. **65 ELFINDALE ROAD, LONDON SE21** – Works underway at this dwelling house including a loft extension, a ground floor rear extension and a first floor rear extension. The loft extension and the first floor rear extension were found to be development requiring planning permission for which planning permission had not been obtained. The loft extension has since been altered to bring it into line with permitted development requirements while an application has been submitted in retrospect for the first floor rear extension. The application, referenced as 09-AP-1878, is currently under consideration and residents have been consulted.
- vi. **109 HALF MOON LANE, LONDON SE24 9JY** – In 2007 a planning enforcement notice was issued at this site. The reasons for serving the enforcement notice was the unauthorised erection of a gated, single storey double garage fronting Warmington Road. An appeal against the notice was subsequently dismissed. The Notice required the demolition of the unauthorised gates and the single storey double garage. Both of these features are located at the rear of the site, facing Warmington Road. In

dismissing the appeal against the notice, the Inspector acknowledged that because of the layout of the site, the principle of some garage structure at the rear of the site is acceptable. In negotiating compliance with the Notice, Officers agreed with the owner to remove the roof of the garage and to reduce the height of the gates to less than 2 metres in height. The remaining timber walls of the garage and lower gates will now remain in place as these altered structures do not require planning permission in their own right. The owner has now undertaken these works and Officers consider that the Notice has now been complied with.

- vii. A closed report has been prepared separately on 17 CHESTERFIELD GROVE, LONDON, SE22 8RP

#### 4. Conclusion

- 4.1 We hope members find this report informative and officers welcome your comments to improve format and content of the report to meet expectations. The next report will be provided at the community council of 17/12/09.

Delegated Officer  
REPORT AUTHOR  
Contact Officers

Gary Rice  
Dennis Sangweme  
Dennis Sangweme

Head of Development Management  
Group Manager – Planning Enforcement  
0207 525 5419  
Email: [dennis.sangweme@southwark.gov.uk](mailto:dennis.sangweme@southwark.gov.uk)

Community Council Dulwich Community Council  
Reports

Papers held at: Regeneration & Neighbourhoods Department, Council Offices, 160 Tooley Street, SE1

## **Appendix I - How to report a possible breach of planning control**

The planning enforcement team has often been requested by residents on how members of the public can report possible breaches of planning control. Below is a brief guide:

### **i) What is a planning breach?**

A planning breach usually occurs when:

- a development that requires planning permission is undertaken without the permission being granted - either because the planning application was refused or was never applied for
- a development that has been given permission subject to conditions breaks one or more of those conditions

A planning breach in itself is not illegal and the council can permit a retrospective application where planning permission has not been sought. In considering any enforcement action, the main issue for the Council as the local planning authority is whether the breach of control would unacceptably affect public amenity

### **ii) How to report a possible breach of planning control**

Residents can report a possible breach of planning control by:

- Calling, emailing or writing to the Planning Enforcement Team – see the contact details below.

To help officers investigate the possible breach it would help if you could give as much detail as possible, including:

- The location of the site
- The exact nature of the alleged breach
- When the breach started
- How it affects you, or what problems it is causing.

Please also include your contact details. Anonymous complaints can be difficult to fully investigate as it means we are unable to get additional information to assist our inquiries. Such anonymous or obviously malicious complaints or allegations of a breach of planning control will not normally be investigated.

- Email Planning Enforcement Team at [planning.enforcement@southwark.gov.uk](mailto:planning.enforcement@southwark.gov.uk)
- Tel: 0207 525 5403
- Planning Enforcement, Development Management, Planning & Transport, PO Box 64539, London, SE1P 5LX

**iii) The Planning Enforcement Team aims to:**

- Acknowledge enforcement related enquiries within three working days either by telephone or letter
- Investigate the enquiries and visit the site in all instances within 10 working days
- Provide an interim response to enquiries within five working days of the site visit
- Notify the enquirer of any decision to take formal enforcement action within three working days of the decision.



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