

PLEASE NOTE VENUE

Dulwich Community Council Planning Agenda

Thursday December 3 2009 at 7.00 pm

**Dulwich Grove United Reform Church, East Dulwich Grove,
East Dulwich London SE22 8RU.**

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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Contact Beverley Olamijulo, Community Councils
on 020 7525 7234 or email: beverley.olamijulo@southwark.gov.uk
Webpage: www.southwark.gov.uk/YourCouncil

Members of the committee are summoned to attend this meeting

Annie Shepperd
Chief Executive
Date: November 24 2009



Dulwich Community Council

Planning Agenda

Thursday December 3 2009
7.00 pm

Dulwich Grove United Reform Church, East Dulwich Grove, East Dulwich
London SE22 8RU.

Order of Business

Item No.	Title	Page No.
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 - DEFERRED UNTIL JANUARY 2010	
	MAIN BUSINESS	
6.	DEVELOPMENT CONTROL ITEMS	2 - 20
	DISCUSSION OF ANY OTHER ITEMS AS NOTIFIED AT THE START OF THE MEETING.	
	DULWICH COMMUNITY COUNCIL MEMBERSHIP	

Item No.**Title****Page No.**

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 24 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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Yoruba

Item No. 6	Classification: Open	Date: 3 December 2009	Meeting Name: Dulwich Community Council
Report title:		Development Control	
Ward(s) or groups affected:		All within [Village, College and East Dulwich] Community Council	
From:		Strategic Director of Regeneration and Neighbourhoods	

RECOMMENDATIONS

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

BACKGROUND INFORMATION

- 4 The council's powers to consider planning business are detailed in Article 8 which describes the role and functions of the planning committee and Article 10 which describes the role and functions of community councils. These were agreed by the constitutional meeting of the Council on May 23 2007 and amended on January 30 2008. The matters reserved to the planning committee and community councils Exercising Planning Functions are described in part 3F of the Southwark council constitution 2007/08. These functions were delegated to the planning committee.

KEY ISSUES FOR CONSIDERATION

5. Members are asked to determine the attached applications in respect of site(s) within the borough.
6. Each of the following items is preceded by a map showing the location of the land/property to which the report relates. Following the report, there is a draft decision notice detailing the officer's recommendation indicating approval or refusal. The draft decision notice will detail the reasons for any approval or refusal.

7. Applicants have the right to appeal to the First Secretary of State against a refusal of planning permission and against any condition imposed as part of permission. If the appeal is dealt with by public inquiry then fees may be incurred through employing Counsel to present the Council's case.
8. The sanctioning of enforcement action can also involve costs such as process serving, Court costs and of legal representation.
9. Where either party is felt to have acted unreasonably in an appeal involving a public inquiry or informal hearing the inspector can make an award of costs against the offending party.
10. All legal/Counsel fees and costs as well as awards of costs against the Council are borne by the Regeneration and Neighbourhoods budget.

EFFECT OF PROPOSED CHANGES ON THOSE AFFECTED

11. Equal opportunities considerations are contained within each item.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Legal and Democratic Services

12. A resolution to grant planning permission shall mean that the Head of Development Control is authorised to grant planning permission. The resolution does not itself constitute the permission and only the formal document authorised by the Committee and issued under the signature of the Head of Development Control shall constitute a planning permission. Any additional conditions required by the Committee will be recorded in the Minutes and the final planning permission issued will reflect the requirements of the Community Council.
13. A resolution to grant planning permission subject to legal agreement shall mean that the Head of Development Control is authorised to issue a planning permission subject to the applicant and any other necessary party entering into a written agreement in a form of words prepared by the Strategic Director of Legal and Democratic Services, and which is satisfactory to the Head of Development Control. Developers meet the Council's legal costs of such agreements. Such an agreement shall be entered into under section 106 of the Town and Country Planning Act 1990 or under another appropriate enactment as shall be determined by the Strategic Director of Legal and Democratic Services. The planning permission will not be issued unless such an agreement is completed.

14. Section 70 of the Town and Country Planning Act 1990 as amended requires the Council to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations when dealing with applications for planning permission. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where, in making any determination under the planning Acts, regard is to be had to the development plan and the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
15. The development plan is currently the Southwark Plan (UDP) 2007 adopted by the council in July 2007 and the London Plan (consolidated with alterations since 2004) published in February 2008. The enlarged definition of "development plan" arises from s38(2) of the Planning and Compulsory Purchase Act 2004. Where there is any conflict with any policy contained in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published, as the case may be (s38(5) Planning and Compulsory Purchase Act 2004).
16. Section 106 of the Town and Country Planning Act 1990 introduced the concept of planning obligations. Planning obligations may take the form of planning agreements or unilateral undertakings and may be entered into by any person who has an interest in land in the area of a local planning authority. Planning obligations may only:
 1. restrict the development or use of the land;
 2. require operations or activities to be carried out in, on, under or over the land;
 3. require the land to be used in any specified way; or
 4. require payments to be made to the local planning authority on a specified date or dates or periodically.

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

17. Government policy on planning obligations is contained in the Office of the Deputy Prime Minister Circular 05/2005. Provisions of legal agreements must fairly and reasonably relate to the provisions of the development plan and to planning considerations affecting the land. The obligations must also be such as a reasonable planning authority, duly appreciating its statutory duties, can properly impose, i.e. it must not be so unreasonable that no reasonable authority could have imposed it. Before resolving to grant planning permission subject to a legal agreement Members should therefore satisfy themselves that the subject matter of the proposed agreement will meet these tests.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Council Assembly Agenda May 23 2007 and Council Assembly Agenda January 30 2008	Constitutional Support Services, Southwark Town Hall, Peckham Road SE5 8UB	[Beverley Olamijulo, Community Council officer] 020 7525 7234
Each application has a separate planning case file	Council Offices Chiltern Portland Street London SE17	The named case Officer as listed or Gary Rice 020 7525 5447

APPENDIX 1**Audit Trail**

<u>Lead Officer</u>	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Principal Planning Lawyer Constitutional Support Officer	
Version	Final	
Dated	Aug 26 2009	
<u>Key Decision</u>	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Legal and Democratic Services	Yes	Yes
Strategic Director of Regeneration and Neighbourhoods	No	No
Head of Development Control	No	No

ITEMS ON AGENDA OF THE DULWICH CC
on Thursday 03 December 2009

Appl. Type Full Planning Permission
Site 103 OVERHILL ROAD, LONDON, SE22 0PR

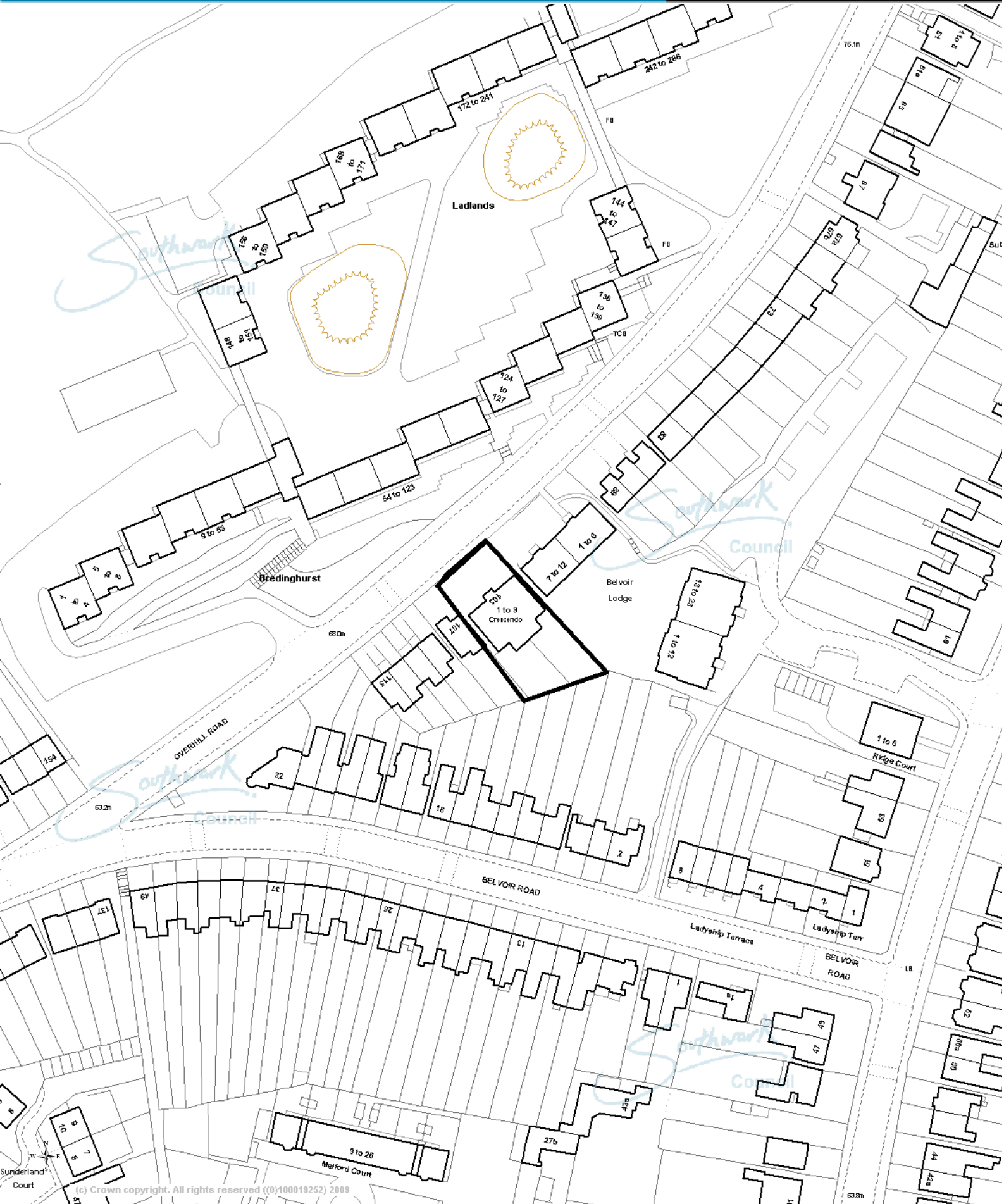
Reg. No. 09-AP-0722
TP No. TP/2555-105
Ward College
Officer Victoria Lewis

Recommendation GRANT PERMISSION

Proposal

Retention of a 4-storey building comprising 10 self-contained flats (Use Class C3).

Item 1/1



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Item No. 1.1	Classification OPEN	Decision Level DULWICH COMMUNITY COUNCIL	Date 03/12/09
From Head of Development Management		Title of Report DEVELOPMENT MANAGEMENT	
Proposal (09-AP-0722) Retention of a 4-storey building comprising 10 self-contained flats (Use Class C3).		Address 103 OVERHILL ROAD, LONDON, SE22 0PR Ward College	
Application Start Date 10/09/2009		Application Expiry Date	

PURPOSE

- 1 To consider the above application which is before Dulwich Community Council because it is contrary to the following policies in the Southwark Plan:
 - i) 2.5 'Planning obligations';
 - ii) 3.3 'Sustainability assessment';
 - iii) 3.4 'Energy efficiency' and
 - iv) 3.5 'Renewable energy' (and 4A.7 'Renewable energy' of the London Plan)

RECOMMENDATION

- 2 Grant planning permission.

BACKGROUND

Site location and description

- 3 The application relates to a recently completed 4-storey building comprising 10 flats, located on the south-eastern side of Overhill Road. There is a tarmac parking area at the front of the building and amenity space at the rear.
- 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 retention of the building and the 10 flats therein.
- 6 In May 2007 planning permission was granted at appeal for the erection of a building comprising 9 self-contained flats, together with 5 parking spaces, cycle / refuse storage and 3 motor-cycle spaces. Following an investigation by the Planning Enforcement Team it was found that a tenth flat had been built at the front of the building (ground floor level) in what should have been a garage and cycle store, and this application seeks to regularise the situation. At present, five of the flats have been sold.

- 7 With regard to external alterations, the scheme differs from extant permission for 9 flats in the following ways:
1. Provision of 4 additional windows to the side elevation of the building facing 107 Overhill Road, two at lower ground and two at ground floor level;
 2. Provision of a balcony at the rear of the building at ground floor level;
 3. Provision of 2 windows to the front elevation, in place of what should have been garage doors under the 9 unit scheme.

Amended plans

- 8 When the application was first submitted the description of development read as follows:

Conversion of garage / cycle store to form a 2-bed flat (retrospective) and erection of cycle store and refuse store to front of building (Use Class C3).

- 9 Following the advice of officers it was subsequently amended to its current form.

Planning history

- 10 06-AP-1271 - Demolition of existing house and erection of a four storey building comprising 9 self contained flats (5 x 1 bed flats and 4 x 2 bed flats), 5 parking spaces, 3 motor cycle spaces and cycle/refuse storage. Planning permission was REFUSED in September 2006 for the following reason:
- 11 *The proposed development, by reason of its depth, height and bulk to the rear would result in a detrimental visual impact on the neighbouring properties. The development also exceeds the recommended density range for the suburban north zone. As such the proposal is contrary to Policies 3.2 Protection of Amenity, 3.11 Quality in Design and 4.1 Density of Residential Development of the Southwark Plan (Modification Version) 2006 and Policies E.2.3 Aesthetic Control, E.3.1 Protection of Amenity and H.1.7 Density of Residential Development of the Adopted Southwark Unitary Development Plan and Supplementary Planning Guidance 1997 no. 5 Standards, Guidelines and Controls for Residential Development.*
- 12 An appeal was subsequently lodged and was ALLOWED (reference: APP/A5840/A/06/2029035).
- 13 06-AP-0255 - Demolition of existing house and erection of 10 self contained flats, 6 parking spaces to front and cycle/refuse storage in a block of part three and part four storeys. This application was WITHDRAWN in May 2006 as it was indicated that the application would be refused owing to concerns regarding the design and bulk of the proposed building.
- 14 06-AP-2358 - Demolition of existing building and erection of part 3 part 4 storey building comprising 8 self-contained flats, 5 car parking spaces, 3 motor cycle spaces & refuse storage. Landscaping to the front & rear gardens. Planning permission was GRANTED in March 2007.

Planning history of adjoining sites

- 15 No relevant planning history.

FACTORS FOR CONSIDERATION

Main Issues

16 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] transport;
- d] design;
- e] s106 planning obligations;
- f] sustainability.

Planning Policy

17 Southwark Plan 2007 [July]

- SP1 - Sustainability, equality and diversity
- SP3 - Quality and accessibility
- SP10 - Development impacts
- SP11 - Amenity and environmental quality
- SP12 - Pollution
- SP13 - Design and heritage
- SP14 - Sustainable buildings
- SP17 - Housing
- SP18 - Sustainable transport

- 2.5 - Planning obligations
- 3.2 - Protection of amenity
- 3.3 - Sustainability assessment
- 3.4 - Energy efficiency
- 3.5 - Renewable energy
- 3.7 - Waste reduction
- 3.11 - Efficient use of land
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.14 - Designing out crime
- 4.1 - Density of residential development
- 4.2 - Quality of residential accommodation
- 4.3 - Mix of dwellings
- 4.4 - Affordable housing
- 4.5 - Wheelchair affordable housing
- 5.2 - Transport impacts
- 5.3 - Walking and cycling
- 5.6 - Car parking
- 5.7 - Parking standards for disabled people and the mobility impaired

- Section 106 Planning Obligations SPD (July 2007)
- Residential Design Standards SPD (September 2008)
- Affordable Housing SPD (September 2008)
- Sustainable Design and Construction SPD (February 2009)

18 London Plan 2004

- 2A.1 Sustainability criteria
- 3A.1 Increasing London's supply of housing
- 3A.2 Borough housing targets
- 3A.3 Maximising the potential of sites
- 3A.5 Housing choice
- 3A.6 Quality of new housing provision
- 3A.9 Affordable housing targets
- 3A.11 Affordable housing thresholds
- 3A.18 Protection and enhancement of social infrastructure and community facilities
- 3C.1 Integrating transport and development
- 3C.3 Sustainable transport in London
- 3C.22 Improving conditions for cycling
- 3C.23 Parking strategy
- 4A.1 Climate change
- 4A.3 Sustainable design and construction
- 4A.4 Energy assessment
- 4A.7 Renewable Energy.
- 4A.9 Adaptation to Climate Change
- 4A.11 Living Roofs and Walls
- 4A.14 Sustainable drainage
- 4A.16 Water supplies and resources
- 4A.19 Air quality
- 4A.22 Waste management
- 4B.1 Design principles for a compact city
- 4B.5 Creating an inclusive environment
- 4B.6 Safety, Security and fire prevention and protection
- 4B.8 Respect local context and communities

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

PPS1: Delivering Sustainable Development (January 2005)

PPS3: Housing (November 2006)

PPG13: Transport (April 2001)

Consultations

- 20 Site notice date: 16/06/09 and 28/09/09 following the amendment to the description of development.

Press notice date: 28/09/09

Neighbour consultation letters sent: 15/06/09 and /09/09 following the amendment to the description of development.

Case officer site visit date: 16/06/09 and 28/09/09.

- 21 Internal consultees

Transport Group
 Planning Policy Team
 Planning Enforcement Team

Statutory and non-statutory consultees

N/A.

- 22 Neighbour consultees

Notification letters have been sent to properties on Overhill Road, Belvoir Road and Bredinghurst Road.

Re-consultation

- 23 The same properties were notified by letter on 28/09/09 following the revised description of development.

Consultation replies

Internal consultees

Transport Group

- 24 Advised that 1.1 cycle parking space is required per residential unit therefore 11 cycle parking spaces are required in total (10 for residents and 1 visitor space).

Planning Policy Team

- 25 The additional dwelling complies with Part M (Access to and within buildings) of the Building Regulations.

Planning Enforcement Team

- 26 No objection to this application provided the additional flat meets the requirements of the Residential Design Standard SPD 2008 and any applicable UDP policies.

Statutory and non-statutory consultees

N/A.

Neighbour consultees

- 27 One representation has been received expressing support for the application on the grounds that more flats need to be built at a rent that people can afford, and all waste empty ground should be built on.

- 28 One representation has been received objecting to the proposal on the following grounds:

- i) If the proposal is to build at the front of the building the author cannot object, except that there will not be enough space for cars;
- ii) if the proposal is to build on the garden side which overlooks the rear garden, strong objections are raised on the grounds that there are enough tenants in the building already, and when trees loose their leaves in winter the building, which is an eyesore, will be very visible.

Re-consultation

- 29 A further representation was received following re-consultation, objecting to the proposal on the following grounds:

- i) the last development was extremely noisy and caused disruption during building works (response - this is not a material planning consideration and is covered separately under environmental protection legislation. In any event, the development has already been completed).

ii) disruption to wildlife (response - the development has already been completed).

PLANNING CONSIDERATIONS

Principle of development

- 30 The principle of a residential building on this site has already been established through the earlier grant of planning permission. The site is located in a residential area and the provision of additional housing is welcomed.

Impact of proposed development on amenity of existing and future occupiers

- 31 Policy 3.2 of the Southwark Plan seeks to ensure an adequate standard of amenity for existing and future occupiers and policy 4.2 requires all residential accommodation to be of an acceptable standard; further information is contained in the Residential Design Standards SPD.

Existing occupiers

- 32 As stated, there is an extant permission for 9 flats on this site and the provision of a tenth flat would not result in any significant additional noise or disturbance to neighbouring properties.
- 33 With regard to the insertion of 4 new windows in the side elevation of the building facing 107 Overhill Road, these are shown on the plans as obscure glazed, although what appears to be a small basement window to non-habitable accommodation is the only opening in the flank wall of number 107, and the additional windows have not resulted in any loss of privacy.
- 34 A small balcony which has been added to the rear of the building overlooks the rear garden to number 107, but given its limited size it is not considered that any significant loss of amenity has occurred and there do not appear to be any direct views into habitable accommodation.
- 35 The appeal permission for the 9 unit scheme contains a condition requiring the windows on the eastern elevation of the projecting rear extension to be obscure glazed, and a further condition that no windows can be constructed on the western elevation of the projecting rear extension. It is recommended that these conditions be attached to any forthcoming permission to ensure no loss of privacy to the neighbouring properties.

Future occupiers

- 36 Flats 1-9 are as per the appeal permission which was granted in May 2007 and remains extant until 9th May 2010. The tenth flat has two bedrooms and measures 61.6sqm which just exceeds the Residential Design Standards SPD minimum (60sqm is required). In terms of the individual room sizes, the second bedroom is shown as a double but is 2.8sqm undersize, although it could be used as a single bedroom for which only 7sqm is required. The kitchen is 0.7sqm undersize which is negligible, and the livingroom / diner is 1.9m undersized. In spite of the undersized livingroom / diner, this is not considered to be so harmful as to warrant refusal of planning permission and enforcement action thereafter.
- 37 A large refuse and recycle store has been constructed in front of the building which is of sufficient size to serve the 10 flats and a condition requiring it to be retained as such hereafter is recommended, to ensure compliance with policy 3.7 'Waste

reduction'.

Traffic issues

38 Policy 5.2 of the Southwark Plan seeks to ensure that developments would not result in any adverse highway conditions.

39 The retention of ten flats is unlikely to result in significant additional traffic generation over and above the consented 9 unit scheme and the Transport Group has not raised any objections.

40 Policy 5.6 relates to car parking and maximum car parking standards are set out in Appendix 15 which requires a maximum of 1.5 spaces per flat in this location, plus one visitor space per 10 flats.

41 There are three car parking and three motorcycle parking spaces to serve the development, which is located in a low PTAL area (2). It is noted that the consented 9 unit scheme included 5 off-street parking spaces and the loss of two spaces is regrettable. There were however, spaces available on-street during both officer site visits and not all of the on-site parking spaces were in use. Given that the Southwark Plan operates maximum standards, as advocated by PPG13: Transport, it is not considered that the proposed level of parking would be so harmful as to warrant the refusal of planning permission. A condition requiring the spaces to be retained as such hereafter is recommended, in order to reduce the likelihood of any overspill parking.

42 Policy 5.3 of the Southwark Plan requires developments to adequately cater for pedestrians and cyclists.

43 Ten cycle parking spaces are shown on the plans, located behind the refuse store in a location that would be convenient, secure and weatherproof. The store had not been provided at the time of the site visits and a condition requiring it to be completed within 2 months of the date of any forthcoming planning permission is recommended. One visitor space is required, but given that there is ample space in the curtilage to provide this, a condition is not considered necessary.

Design issues

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

45 The minor alterations to the exterior of the building when compared with the consented 9 unit scheme are acceptable on design grounds and preserve the appearance of the building. The new refuse store is large, but given the slope of the site is not considered to be harmful to the streetscene.

Planning obligations [S.106 undertaking or agreement]

46 Policy 2.5 of the Southwark Plan states that the Council will seek to enter into planning obligations to avoid or mitigate the adverse impacts of development which cannot otherwise be adequately addressed through conditions; further guidance is contained within the Section 106 planning obligations SPD. As the proposal is for 10 flats, the following s106 contributions are required and have been calculated in accordance with the Council's s106 toolkit:

1. Terms to secure one unit as affordable housing (or a commuted sum of £200,000 in lieu of on-site provision);

2. £3,681 education contribution;
3. £7,945 open space, children's play equipment and sports development contribution;
4. £3,808 strategic transport contribution;
5. £9,612 health facilities contribution;

Total: £225,046 (plus 2% administration charge).

- 47 There is no section 106 agreement in place to secure the above contributions because the development is loss-making as a result of the current economic downturn. The applicant has advised that an additional flat was incorporated into the building in order to reduce losses.
- 48 The S106 SPD at note 6 (p15) recognises the considerable financial pressure that planning obligations can place on development proposals, and states that in situations where developers consider their scheme cannot support the required level of contribution, they should submit an economic appraisal to the Council. Usually this is a development appraisal setting out how much the development will cost to build together with end values, and is assessed against the GLA's 'Three-Dragons' toolkit. In this instance however, because the development has already been built, the applicant has submitted the actual build costs which shows that the scheme has made a loss of £79, 972.
- 49 Officers have reviewed the financial appraisal and find it to be reasonable, therefore whilst the failure to provide any s106 contributions is regrettable, it is considered to have been adequately justified in this instance and would not set an undesirable precedent making it difficult to resist similar applications in the future.

Sustainability

- 50 Policy 3.3 of the Southwark Plan states that planning permission will not be granted for major development unless the economic, environmental and social impacts of the proposal have been addressed through a sustainability assessment.
- 51 As this application is for retrospective planning permission and sustainability assessments are generally carried out at the beginning of the process, no such assessment has been undertaken therefore the proposal is contrary to policy 3.3.
- 52 Policy 3.4 'Energy efficiency' states that all developments must be designed to maximise energy efficiency and minimise and reduce energy consumption and carbon dioxide emissions; major developments for residential use are required to provide an ecohomes (now Code for Sustainable Homes - CSH) assessment. Again, as this is a retrospective application, no code for sustainable homes assessment has been undertaken, and the proposal does not comply with the 20% renewable energy requirement under policy 4A.7 of the London Plan.
- 53 In seeking to address sustainability issues, the Design and Access Statement lists the measures which have been incorporated, including the use of energy efficient boilers, low energy light fittings, eco-labelled white goods, responsibly sourced building materials and fittings and improved insulation.
- 54 It is accepted that the sustainability credentials the development are well below what would normally be required of a major development, but given that this is a retrospective application for a loss making development and the likely cost implications of retro-fitting the building, no objections are raised in this instance.

Other matters

Density

- 55 Policy 4.1 of the Southwark Plan states that residential developments in the urban density zone (lower zone) will be expected to achieve a density of between 200 and 400 habitable rooms per hectare. The development achieves a density of 250 habitable rooms per hectare and therefore complies with policy 4.1.

Additional windows to side elevation, lower ground floor level

- 56 Two windows have been added to both flank walls of the building at lower ground level which were not shown on the approved plans for the 9 unit scheme, and are in locations where there was not supposed to be any habitable accommodation. A further visit to the site revealed that at least two of the windows serve habitable accommodation (on the left hand side; the two windows to the right hand side of the building were inaccessible) and officers have asked the applicant to confirm what rooms these windows serve and will update Members at the meeting.

Conclusion

- 57 The proposal fails to provide any s106 contributions and does not meet the sustainability requirements set out under policies 3.3, 3.4 and 3.5 of the Southwark Plan and policy 4A.7 of the London Plan. However, in recommending that planning permission be granted, officers are mindful that the tenth flat was constructed in an attempt to recover losses brought about as a result of the economic downturn and the economic appraisal submitted supports this. It is also noted that the consented 9 unit scheme was below the threshold for requiring a sustainability assessment, code for sustainable homes assessment and renewable energy and that to retrofit the building to comply with these standards is likely to further add to the development losses. As such, 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 The proposal makes an efficient use of the site, in accordance with sustainability aims and objectives.

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/2555-105	
Papers held at:	Regeneration and neighbourhoods dept. tel.: 020 7525 5403 email: planning.enquiries@southwark.gov.uk	

RECOMMENDATION LDD MONITORING FORM REQUIRED

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

Applicant Mantle Developments UK Ltd
Application Type Full Planning Permission
Recommendation Grant permission

Reg. Number 09-AP-0722

Case Number TP/2555-105

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Retention of a 4-storey building comprising 10 self-contained flats (Use Class C3).

At: 103 OVERHILL ROAD, LONDON, SE22 0PR

In accordance with application received on 16/04/2009

and Applicant's Drawing Nos. Site location plan, design and access statement received 14th September 2009, 5430 A11- Rev- H, 5430 A12 Rev F, 5430 A13 Rev F, 5430 A14 Rev A, 5430-A15 Rev-E, 5430-A16 Rev-B, 5430 A200, P1221.012 E, P1221.014 F, plan and elevation of refuse and cycle store.

Subject to the following condition:

- 1 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the windows in the eastern elevation of the projecting rear extension shall be completely obscure glazed and shall hereafter be retained as such.

Reason

To ensure no loss of privacy to the occupiers of Belvoir Lodge, in accordance with policy 3.2 'Protection of amenity' of the Southwark Plan 2007.

- 2 The completed refuse and recycle store shown on the approved drawings shall hereafter 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 whole of the completed car parking area shown on the drawings hereby approved shall be retained as such hereafter for the purposes of car parking for vehicles associated with the development.

Reason

To ensure the retention of adequate car parking to serve the development, in accordance with policy 5.6 'Car parking' of the Southwark Plan 2007.

- 4 The cycle store shown on the approved drawings shall be completed in accordance with the approved details within 2 months of the date of this decision, unless otherwise agreed in writing by the Local Planning Authority. The cycle store shall be retained as such thereafter and kept available for the storage of cycles associated with the development.

Reason

To ensure that there are adequate cycle parking facilities to serve the development, in accordance with policy 5.3 'Walking and cycling' 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 SP1 - Sustainability, equality and diversity, SP3 - Quality and accessibility, SP10 - Development impacts, SP11 - Amenity and environmental quality, SP12 – Pollution, SP13 - Design and heritage, SP14 - Sustainable buildings, SP17 - Housing

SP18 - Sustainable transport, 2.5 - Planning obligations, 3.2 - Protection of amenity, 3.3 - Sustainability assessment, 3.4 - Energy efficiency, 3.5 - Renewable energy, 3.7 - Waste reduction, 3.11 - Efficient use of land, 3.12 - Quality in design, 3.13 - Urban design, 3.14 - Designing out crime, 4.1 - Density of residential development, 4.2 - Quality of residential accommodation, 4.3 - Mix of dwellings, 4.4 - Affordable housing, 4.5 - Wheelchair affordable housing, 5.2 - Transport impacts, 5.3 - Walking and cycling, 5.6 - Car parking and 5.7 - Parking standards for disabled people and the mobility impaired of the Southwark Plan [July 2007].

b] Policies 2A.1 Sustainability criteria, 3A.1 Increasing London's supply of housing, 3A.2 Borough housing targets, 3A.3 Maximising the potential of sites, 3A.5 Housing choice, 3A.6 Quality of new housing provision, 3A.9 Affordable housing targets, 3A.11 Affordable housing thresholds, 3A.18 Protection and enhancement of social infrastructure and community facilities, 3C.1 Integrating transport and development, 3C.3 Sustainable transport in London, 3C.22 Improving conditions for cycling, 3C.23 Parking strategy, 4A.1 Climate change, 4A.3 Sustainable design and construction, 4A.4 Energy assessment, 4A.7 Renewable Energy, 4A.9 Adaptation to Climate Change, 4A.11 Living Roofs and Walls, 4A.14 Sustainable drainage, 4A.16 Water supplies and resources, 4A.19 Air quality, 4A.22 Waste management, 4B.1 Design principles for a compact city, 4B.5 Creating an inclusive environment, 4B.6 Safety, Security and fire prevention and protection and 4B.8 Respect local context and communities of the London Plan [2008].

c] Planning Policy Statements [PPS] and Guidance Notes [PPG]: PPS1: Delivering Sustainable Development (January 2005), PPS3: Housing (November 2006) and PPG13: Transport (April 2001).

Particular regard was had to the failure to provide any s106 contributions as required by policy 2.5 of the Southwark Plan and the failure to meet the sustainability requirements set out under policies 3.3, 3.4 and 3.5 of the Southwark Plan and policy 4A.7 of the London Plan. However, regard was had to the fact that a tenth flat was constructed in addition to nine which already benefit from permission in an attempt to recover losses brought about as a result of the economic downturn, and is supported by an economic appraisal. It is also noted that the consented 9 unit scheme was below the threshold for requiring a sustainability assessment, code for sustainable homes assessment and renewable energy and that to retrofit the building to comply with these standards is likely to further add to the development losses. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

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