

COMMUNITY COUNCILS

A voice for your community

Dulwich Community Council Planning meeting

Wednesday 14 April 2010

7.00 pm

Christ Church, 263 Barry Road, London SE22 0JT

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

INFORMATION FOR MEMBERS OF THE PUBLIC

Access to information

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Contact Beverley Olamijulo

on 020 7525 7234 or email: beverley.olamijulo@southwark.gov.uk

Webpage: <http://moderngov.southwarksites.com/mgCommitteeDetails>

Members of the committee are summoned to attend this meeting

Annie Shepperd
Chief Executive
Date: 6 April 2010



Dulwich Community Council Planning meeting

Wednesday April 14 2010
7.00 pm

Christ Church, 263 Barry Road, London SE22 0JT

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 FROM THE PREVIOUS MEETING	2 - 7
	To approve the Minutes of the Dulwich CC Planning meeting held on 18 March 2010.	
	MAIN BUSINESS	
6.	DEVELOPMENT CONTROL ITEMS	8 - 48
7.	NON DEVELOPMENT CONTROL ITEM	49 - 61
	Planning Enforcement update – information report	
	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: 6 APRIL 2010

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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কোন বিশেষ প্রয়োজন সম্বন্ধে যদি আমাদের জানাতে চান যেমন ট্রান্সপোর্ট অথবা সংকেত দ্বারা
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Si aad noogu sheegto haddii aad leedahay baahi gaar ama wax gooni kuu ah sida gaadiid, af celiyaha dadka indha la' fadlan tilifooni 020 7525 7187.

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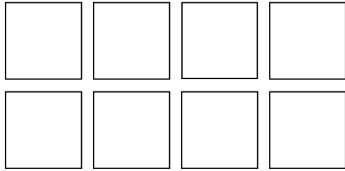
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Spanish

Lati bēre fun itumọ irohin nipa Council agbegbe re (Community Council) ni ede abini ẹ, ọwọ pe telifoonu 020 7525 7187. Lati jẹ ki a mọ nipa iranlọwọ tabi idi pato, gẹgẹbi ọkọ (mọto) tabi olutumọ, ọwọ pe telifoonu 020 7525 7187.

Yoruba



COMMUNITY COUNCILS
A voice for your community



DULWICH COMMUNITY COUNCIL PLANNING MEETING

MINUTES of the Dulwich Community Council Planning meeting held on Thursday 18 March 2010 at 7.00 pm at Dulwich Grove United Reform Church, East Dulwich Grove, London SE22 8RU

PRESENT: Councillor Nick Vineall (Chair)
Councillor James Barber
Councillor Toby Eckersley
Councillor Robin Crookshank Hilton
Councillor Michelle Holford
Councillor Jonathan Mitchell
Councillor Richard Thomas

OFFICER SUPPORT: Sonia Watson, planning officer
Gavin Blackburn, legal officer
Beverley Olamijulo, constitutional officer (community councils)

1. INTRODUCTION AND WELCOME [CHAIR]

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

2. APOLOGIES

Apologies for absence were submitted on behalf of Cllrs, Kim Humphreys and Lewis Robinson. An apology for lateness was given on behalf of Cllr Richard Thomas.

3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS

None were disclosed.

4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

There were no urgent items of business.

5. MINUTES OF THE PREVIOUS MEETINGS

The Minutes of the planning meetings held on 3 December 2009 and 7 January 2010, 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 ITEMS (SEE PAGES 1 - 61)

RESOLVED:

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.

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.

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: Grant – Land adjoining 114 Woodland Road, London, SE19 1PA (see pages 14 – 38)

Proposal: Construction of a three /four storey block consisting of twelve new homes (5 x 4 bedroom houses, 1 x 4 bedroom maisonette, 5 x 2 bedroom flats and 1 x 1 bedroom) with associated landscaping and cycle parking.

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

The Chair read out a letter received from Councillor Lewis Robinson in his capacity as local ward councillor who was unable to attend the meeting. Cllr Robinson's letter states whilst not against the principle of developing the site for housing he has concerns about the proposal and did not think that these could be dealt at the meeting. He suggested that given the site was enclosed – a site visit should be undertaken so Members could make a more informed decision.

Representations were heard from the spokesperson representing the objectors, who is Chair of the Crystal Palace Community Association and Cllr Gibson, a Member for Gipsy Hill in Lambeth.

The objectors stated the area is fast changing and the scheme would affect views into and out of the conservation area and the site is smaller than led to believe on the plans. In addition to the objection a petition containing over 100 signatures was submitted at the meeting.

The applicant from the Metropolitan Housing Association addressed the meeting emphasizing that his preference would be for the scheme to be considered at this meeting.

There were some concerns from Members about the risk of an appeal from the applicants if the application was not determined. The advice given by the legal officer was the applicants could lodge an appeal in which case the decision would be taken out of the Council's hands.

The objectors were asked about the possibility of further consultations taking place, as some residents were only recently made aware of the application. The Chair advised that if people still wanted to write to comment on the scheme they could do but no further letters would be sent out. The Chair also advised that when the item was to be considered all parties would be informed beforehand.

RESOLVED: That the planning application be deferred.

Item 6/2 – Recommendation: Grant – 40A Lacon Road, London SE22 9HE (see pages 39 – 49)

Proposal: Single storey side/rear extension to ground floor flat, providing additional residential accommodation.

Cllr Barber made a request on behalf of the objector at no. 38 to defer the item because he was abroad and wanted to personally address Members at the meeting.

Members felt the planning application should be determined at the meeting because the objector at no. 38 arranged for a representative to be present to make representations.

The planning officer introduced the report, circulated plans of the scheme and responded to Members' questions. The officer advised that whilst these types of infill extensions can be difficult, the impacts to the neighbour at 38 were not so significant to warrant a refusal of the application.

The representative acting on behalf of the objector at no 38 read out a letter citing the following concerns:

- Unacceptable sense of enclosure
- Loss of privacy to rooms and garden
- Existing extension is already in excess of 3 metres at 4.4metres which was 1.6 metres longer than the extension at no 38 and contradicted the Council's own Supplementary Planning Document (SPD)
- It would set a precedent, result in loss of daylight and sunlight to the breakfast dining room
- Loss of security, loss of amenity through the outlook from the rear window and loss of greenery

The applicant addressed the meeting advising that they had taken into account the neighbours concerns by keeping the extension as low as possible and setting it slightly off the boundary. In respect of the rear extension which was constructed 20 years ago the applicants offered to replant the pyracantha once the extension had been constructed or replace it should it not survive.

Member further debated on this application.

RESOLVED: That planning permission be granted subject to additional condition preventing use of flat roof as a roof terrace.

Item 6/3 – Recommendation: Grant – 7A Melbourne Grove, London SE22 8RG (See pages 50 – 61)

Proposal: Proposed parapet wall and railings (retrospective) (Use Class C3).

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

Representations were heard from an objector who was representing the occupants of the flats at 5 Melbourne Grove. It was noted the objectors were not against the physical works themselves but that the area was too readily available to the occupants as an external space. They observed the area being used as an amenity space in the past. The objector stated the issue could be resolved with the installation of a juliette balcony or lockable gate across the doors.

It was noted from the circulated photographs that the first floor flat of the property had plants on the flat roof and appeared to use the roof as an informal garden space.

The applicant then addressed the meeting stating that the property is being improved to allow it to provide accommodation for a large family and was not proposed to use it as a recreational space and were aware of the consequences to them as the owners if the tenants misused the space.

Members raised general dissatisfaction with the 2003 decision which permitted the doors opening onto a space which looked as if it should be used as a roof terrace.

Notwithstanding this decision they did not feel that in the assessment of this case they could refuse the retention of the works which were relatively minor.

Cllr Crookshank Hilton did not agree and thought the proposal should not be refused.

Members further debated on this item.

RESOLVED: That planning permission be granted.

Item 6/4– Recommendation: Grant – 35 Woodwarde Road, London SE22 8UN (See pages 62 – 69)

Proposal: Single storey ground floor rear extension and loft conversion with rear dormer window extension and rooflights to side and rear, providing additional residential accommodation.

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

No objectors were present at the meeting.

The applicant's agent was present to address the meeting. The agent stated during his presentation that his clients had tried to come up with a scheme which could address the concerns of their neighbour at no 37 however everything they had done had been met with opposition. They met with the Dulwich Estate and decided to set the extension slightly off the neighbours boundary, although the neighbour did not support this either the application was made. The agent visited the neighbours and could not see how the proposed extension would not compromise the amenity.

RESOLVED: That planning permission be granted.

The meeting ended at 8.50 pm.

CHAIR:

DATED:

Item No. 6	Classification: Open	Date: 14 April 2010	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	
<u>Dated</u>	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 Wednesday 14 April 2010

Appl. Type Full Planning Permission
Site 27 TURNEY ROAD, LONDON, SE21 8LX

Reg. No. 09-AP-2772
TP No. TP/2546-27
Ward Village
Officer Sonia Watson

Recommendation GRANT PERMISSION

Item 1/1

Proposal

Demolition of the existing conservatory and erection of a new single storey side / rear extension to old boundary line. Extension and realignment of the rear boundary to the north east up to the adjoining garage structure with three new storage structures along the north east side elevation up to the Turney Road frontage.

Appl. Type S.73 Vary/remove conds/minor alterations
Site 14 FELLBRIGG ROAD, LONDON, SE22 9HH

Reg. No. 09-AP-2596
TP No. TP/2626-14
Ward East Dulwich
Officer Ronan O'Connor

Recommendation REFUSE PERMISSION

Item 1/2

Proposal

Variation of condition 2 on application 9200224 to extend opening hours to: 8:00 to 22:00 Monday to Saturday and 9:00 to 22:00 on Sunday.

Appl. Type Advertisement Consent
Site 109 LORDSHIP LANE, LONDON, SE22 8HU

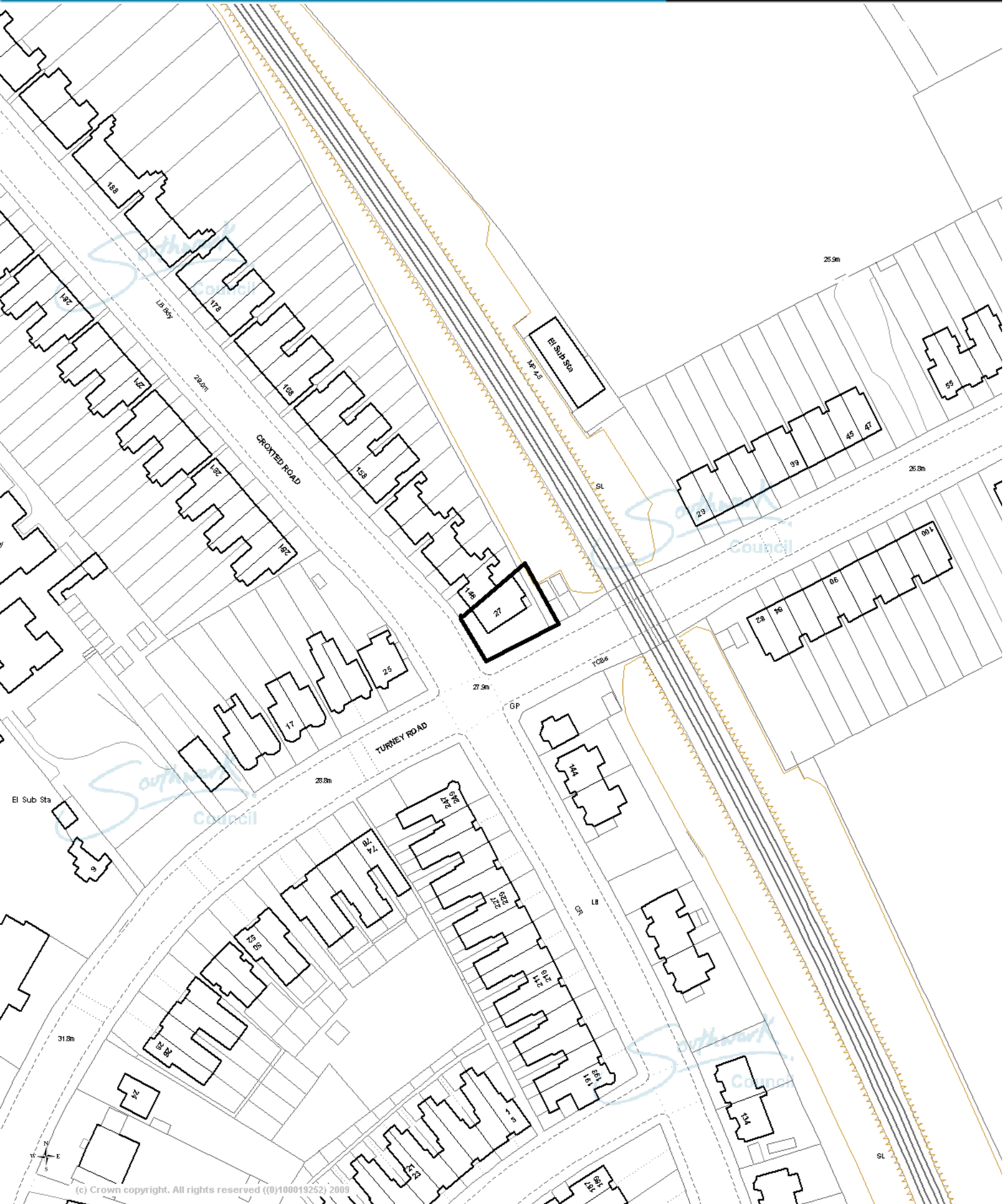
Reg. No. 10-AP-0042
TP No. TP/ADV/2315-91
Ward East Dulwich
Officer Victoria Lewis

Recommendation GRANT PERMISSION

Item 1/3

Proposal

Display of externally illuminated fascia sign and projecting sign to front of building.



Item No. 1.1	Classification: OPEN	Date: 14/04/2010	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 09-AP-2772 for Full Planning Permission Address: 27 TURNEY ROAD, LONDON, SE21 8LX Proposal: Demolition of the existing conservatory and erection of a new single storey side / rear extension to old boundary line. Extension and realignment of the rear boundary to the north east up to the adjoining garage structure with three new storage structures along the north east side elevation up to the Turney Road frontage.		
Ward(s) or groups affected:	Village		
From:	Head of Development Management		
Application Start Date 11/01/2010		Application Expiry Date 08/03/2010	

RECOMMENDATION

- 1 Grant planning permission subject to conditions. This application is being reported to Dulwich Community Council as it is a departure from the Southwark Plan in that it involves development on Other Open Space.

BACKGROUND INFORMATION

Site location and description

- 2 The site is a two-storey Victorian property with loft conversion, located on the corner of Croxted Road and Turney Road. Croxted Road consists largely of Victorian terraced residential properties as does Turney Road, with two garages adjoining and 1 railway lines to the rear of the property.
- 3 The current use of the property is a children's nursery with the rooms converted into different activity spaces and offices.
- 4 The building is not listed; however the rear part of the site falls within the Dulwich Village Conservation Area, and part of the land included within the application is within a designated area of open space, OS 156 Sydenham Hill Railway cuttings.

Details of proposal

- 5 It is proposed to demolish the existing conservatory extension and erect a new extension to the building and a separate extension for storing pushchairs and a new storage area for refuse fronting onto Turney Road.
- 6 The proposed extensions would be to the rear and side of the existing building,

replacing the existing conservatory and shed currently on the site. The site boundary has been increased in depth by approximately 1.5 metres, as it now includes the land up to the flank wall of the existing single storey garages. The proposed extension would measure 7.5 metres deep, (which is a 2.5 metre increase on the existing extension) 9.5 metres wide and 3 metres high. A further storage area is proposed at the side lining up with the rear boundary of the existing garage and extending directly onto the street. This part of the extension is relatively low key being 2 metres high and constructed in timber, and this area would contain a cycle store, buggy store and refuse store.

- 7 The proposal would provide an increased dining/play area (32.9 sq m), a small lobby and reception area (9.6 sq m), a kitchen (11.5 sq m) with 2.6 sq m for refuse storage and 6.3 sq m as a buggy store.
- 8 Two large roof lights are proposed: one over the dining/play area and one over the kitchen. The extension would be constructed in a mixture of brick, render and timber. The sedum roof would occupy the unglazed areas of the flat roof.
- 9 The proposal is marginally smaller and slightly changed in form to the scheme granted permission in December 2008.

Planning history

- 10 07-AP-2504 - Planning permission was granted on 15/12/2008 by Dulwich Community Council for the demolition of existing conservatory and erection of new extension and bike/buggy storage.
- 11 15/8/96 Planning permission was granted for the continued use of the ground floor as a nursery without compliance with condition 5 which made it personal.

Planning history of adjoining sites

- 12 None relevant

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 13 The main issues to be considered in respect of this application are:
 - a) the principle of the development in terms of land use and conformity with strategic policies.
 - b) the impact on the amenity of adjoining properties.
 - c] the impact of the proposal on the designated open space and the Dulwich Village Conservation Area.

Planning policy

Southwark Plan 2007 (July)

- 14 2.2 Provision of new community facilities
 - 3.2 Protection of Amenity
 - 3.11 Efficient use of land
 - 3.12 Quality in Design

- 3.13 Urban Design
- 3.16 Conservation Areas
- 3.27 Other Open Space
- 5.3 Walking and Cycling

London Plan 2008 consolidated with alterations since 2004

- 15 3A.24 - Education facilities.

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 16 PPS 1 Delivering Sustainable Development
PPG 15 Planning and the Historic Environment

Principle of development

- 17 Policy 2.2 Provision of New Community Facilities supports the provision of new community facilities, and Policy 3.27 Other Open Space seeks to protect open spaces from inappropriate forms of development.

The principle of the erection of a new extension to provide improved facilities for the nursery has been established by the permission granted under ref 07-AP-2504, and the development proposed then is similar to that sought under the current application. Whilst the site incorporates land designated as open space in Appendix 13 of the Southwark Plan, the proposal would not infringe on open space as the land is adjacent to, and enclosed by, two freestanding garages.

Environmental impact assessment

- 18 Not required for a scheme of this size or type.

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

- 19 Policy 3.2 Protection of Amenity seeks to ensure that development does not harm the amenities enjoyed by neighbouring properties.

In principle the impacts beyond the original conservatory would be minimal. This proposal would extend 2.5m beyond the existing rear extension along the boundary with 146 Croxted Road at a height of 3m, 0.5m higher than the existing building between the two properties. There is already a timber shed located on the boundary, almost infilling the gap between the rear boundary and the existing conservatory extension. The adjoining property at no.146 Croxted Road is slightly raised compared with the application property and this further limits the impact on the ground floor rear window. Most of the sunlight gained to this dwelling is from the east and this will continue to be the case with the proposed extension.

- 20 There are no windows proposed that would create privacy or overlooking issues. The adjoining site on Turney Road consists of 2 garages, therefore there are no amenity issues here.

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

- 21 The use will not change as a consequence of the proposal which is to upgrade and improve the existing accommodation.

Traffic issues

Policy 5.2 seeks to ensure that development is not harmful to the transport network, and Policy 5.3 seeks to ensure that there are adequate provisions made for walking and cycling to the site.

- 22 This proposal would completely remove the existing drive way. However, this has been in use as a children's outdoor play area, with the off-street parking use having been redundant for years.
- 23 The proposed cycle parking area would not normally be a requirement for this type of use, however the provision is welcome as a means of encouraging cycling.

In this case, the extensions and alterations are minor in nature and are not considered to lead to any significant transport impacts.

Design issues

- 24 Policy 3.12 Quality in Design and 3.13 Urban Design seek to ensure that development fits in well with its context.

This proposal would create a contemporary, subordinate addition to this Victorian property. Created with light, sustainable materials and glazing, finished with a green roof, the proposed design is considered appropriate for the site. The now reduced extension would be in line with the existing building and the refuse and buggy storage areas would sit behind the boundary fence and therefore have no significant impact on the streetscene and would not result in harm to the Dulwich Village Conservation Area.

- 25 The proposal would improve access to and within the building. The proposal allows for the provision of a direct level access to the building which would be separate from the main nursery areas. The site is currently littered with a number of sheds and added on structures, the proposal would rationalize the accommodation on the site and make more efficient use of the land.

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

- 26 Policy 3.16 Conservation Areas requires that development protects and enhances the character and appearance of conservation areas, as does PPG 15 Planning and the Historic Environment.

The proposal will not impact on any listed building. As discussed above the proposal is unlikely to harm the adjoining Dulwich Village conservation area.

Impact on trees

- 27 There is a tree on the south east corner of the site, and this is shown as being retained, although a tree report submitted with the application suggests a more substantial beech tree may have been felled for safety reasons. There seem to be no reason why the smaller tree may not remain and a condition is recommended to cover damage during the course of construction.

Planning obligations (S.106 undertaking or agreement)

- 28 Not required for a scheme of this size or type.

Sustainable development implications

- 29 The building would be constructed in materials to improve the insulation quality of the existing building. The use of a sedum roof will also reduce the amount of water run off and be beneficial to wildlife. The provision of a secure cycle parking area would encourage staff and visitors to cycle rather than drive to the facility.

Other matters

- 30 A small section of the land to the rear falls within an open space designation, which restricts development under policy 3.27. However it is considered that what is proposed is small in scale and would not detract from the openness of the space, (which relates to railway cuttings) as it is on the periphery of the site and adjoins two single storey garages. As such, it is not considered that any significant harm to the open space arises.
- 31 It was noted during the site visit that the refuse is currently kept on the public highway. The provision of a bin store should ensure that the refuse is kept within the site and it is recommended that this be conditioned as part of any planning permission.

Conclusion on planning issues

- 32 The proposal is similar in content to the scheme approved in December 2008. Generally the proposal is not considered to have a significantly detrimental impact upon the adjoining property at no 146 Croxted Road. The scheme would improve the quality of the accommodation provided at the nursery replacing the existing conservatory with a structure that would be more durable and sustainable.
- 33 The proposal is not considered to impinge upon the open space designation, due to its location on the periphery of this area. In terms of any impact on the conservation area this is seen as being neutral.

Community impact statement

- 34 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.

b) The following issues relevant to particular communities/groups likely to be affected by the proposal have been identified as above.

Consultations

- 35 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 36 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

37 No letters received to date.

Human rights implications

38 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.

39 This application has the legitimate aim of providing pre-school education. The rights potentially engaged by this application, including the 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

40 N/A

REASONS FOR LATENESS

41 N/A

REASONS FOR URGENCY

42 N/A

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2546-27 Application file: 09-AP-2772 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone:: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

AUDIT TRAIL

Lead Officer		
Report Author	Sonia Watson	
Version	1	
Dated	15/03/2010	
Key Decision	Grant planning permission	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	N/A	
Strategic Director of Regeneration and Neighbourhoods	N/A	
Strategic Director of Environment and Housing	N/A	
Date final report sent to Constitutional / Community Council / Scrutiny Team		

APPENDIX 1**Consultation undertaken**

Site notice date: 15/01/2010; 09/03/2010

Press notice date: 21/01/2010; 11/03/2010

Case officer site visit date: 15/01/2010

Neighbour consultation letters sent: 14/01/2010

Internal services consulted:

Arboriculturalist

Statutory and non-statutory organisations consulted:

London Borough of Lambeth
Network Rail

Neighbours and local groups consulted:

146 CROXTED ROAD LONDON SE21 8NW
FIRST FLOOR FLAT 27 TURNEY ROAD LONDON SE21 8LX
144A CROXTED ROAD LONDON SE21 8NW
146A CROXTED ROAD LONDON SE21 8NW
146B CROXTED ROAD LONDON SE21 8NW

Dulwich Society

Re-consultation:

N/A

Consultation responses received

Internal services

None received.

Statutory and non-statutory organisations

Network Rail - No objections subject to informatives on any planning permission for the applicant to contact Network Rail prior to the commencement of work on site.

London Borough of Lambeth - Raise no objections

Neighbours and local groups

None received.

Insert title

8179-A3-E(20)PO1,PO2; 8179-A3-E(20)E01,E02; 8179-A3-P(20)P01,P02;
8179-A3-P(20)E01,E02,E03,E04; 8179-A3-P(20)V01; OS Map; Design and Access
Statement; Tree Inspection Report 11/06/2007

RECOMMENDATION

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

Applicant Mrs Sarah Hill
Application Type Full Planning Permission
Recommendation Grant permission

Reg. Number 09-AP-2772

Case Number TP/2546-27

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of the existing conservatory and erection of a new single storey side / rear extension to old boundary line. Extension and realignment of the rear boundary to the north east up to the adjoining garage structure with three new storage structures along the north east side elevation up to the Turney Road frontage.

At: 27 TURNEY ROAD, LONDON, SE21 8LX

In accordance with application received on 15/12/2009 08:00:53

and Applicant's Drawing Nos. 8179-A3-E(20)P01, 8179-A3-E(20)P02, 8179-A3-E(20)E01, 8179-A3-E(20)E02, 8179-A3-P(20)P01, 8179-A3-P(20)P02, 8179-A3-P(20)E01, 8179-A3-P(20)E02, 8179-A3-P(20)E03, 8179-A3-P(20)E04, 8179-A3-P(20)V01, Site Plan, Design and Access Statement, Tree Inspection Report By Tree Craft.

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 development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans: 8179-A3-P(20)P01, P02; 8179-A3-P(20)E01, E02, E03, E04

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 3 Samples of the facing materials to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In order that the Local Planning Authority may be satisfied as to the details of the external appearance of the building in accordance with Policy 3.12 Quality in Design, 3.13 Urban Design and 3.16 Conservation Areas of the Southwark Plan 2007

- 4 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 extension 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 Management of the Southwark Plan 2007.

- 5 The cycle storage facilities as shown on drawing 8179-A3-P(20)P01 shall be provided before the extension hereby approved is used 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 3.2 'Protection of Amenity' and 5.3 'Walking and

Cycling' of the Southwark Plan 2007.

- 6 Details of the means by which the existing trees on the site are to be protected from damage by vehicles, stored or stacked building supplies, waste or other materials, and building plant or other equipment shall be submitted (2 copies) to and approved by the Local Planning Authority before any work is begun, and such protection shall be installed and retained throughout the period of the works.

Reason

In order that the Local Planning Authority may be satisfied that the proposed works will not be harmful to the existing trees and in accordance with Policy 3.12 'Quality in Design' and 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 2.2 Enhancement of Community Facilities, 3.2 Protection of Amenity, 3.12 Quality in Design, 3.13 Urban Design, 3.16 Conservation Areas, 3.27 Other Open Space and 5.3 Walking and Cycling of the Southwark Plan [July 2007].
- b] Policies 3A.24 Education Facilities of the London Plan [2008].
- c] Planning Policy Statements [PPS1 Delivering Sustainable Development] and Guidance Notes [PPG15 Planning and the Historic Environment]

Particular regard was had to the impact of the development on the Other Open Space and the Dulwich Village Conservation Area. The loss of a small enclosed strip of Other Open Space was not considered harmful to its openness in terms of character and function, and the extensions had a neutral impact on the character and appearance of the Conservation Area. The design of the extension was considered appropriate to the house and location and would not lead to any significant loss of amenity to neighbours. As such, it was considered appropriate to grant permission, in the context of the above policies.

Informatives

- 1 Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement.
- 2 Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

—

Ordnance Survey

Date 18/3/2010



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Item No. 1.2	Classification: OPEN	Date: 14/04/2010	Meeting Name: DULWICH COMMUNITY COUNCIL
Report title:	Development Management planning application: Application 09-AP-2596 for: S.73 Vary/remove conds/minor alterations Address: 14 FELLBRIGG ROAD, LONDON, SE22 9HH Proposal: Variation of condition 2 on application 9200224 to extend opening hours to: 8:00 to 22:00 Monday to Saturday and 9:00 to 22:00 on Sunday.		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date 23/11/2009		Application Expiry Date 18/01/2010	

RECOMMENDATION

- 1 To consider this application which has been brought before Dulwich Community Council, as officers are minded to refuse permission and there have been letters supporting the application, including that of the ward Councillor and the Local MP.

BACKGROUND INFORMATION

Site location and description

- 2 The site is located on the corner of Fellbrigg Road and Shawbury Road. On site is two-storey building with a cafe use (A3) on the ground floor.
- 3 The surrounding context is residential with the area dominated by two storey terraced dwellings.

Details of proposal

- 4 The application is to extend the opening hours of the cafe from 8am to 10pm Monday to Friday and from 9am to 10pm on Sundays.

Planning history

- 5 0100147 Permission REFUSED for Variation of condition 2 of planning permission dated 03/07/92 to allow cafe to open on Sundays from 10am to 4pm for 1 reason:
- 6 The proposed variation in opening hours to include Sundays between 10am and 4pm would result in a loss of amenity to occupiers of nearby residential properties on Fellbrigg Road and Shawbury Road from increased traffic, vehicular movement and noise generally associated with this type of use. As such the proposal would be contrary to Policy E.3.1 [Protection of Amenity] of the Southwark Unitary

Development Plan.

- 7 9200224 Permission GRANTED for change of use on the ground floor from retail to cafe
- 8 Condition No. 2 of Decision Notice states that ;
'The premises shall not be open to the public for the use hereby permitted other than between the hours of 8.30am and 5.30pm and at no time on any Sunday or Public Holiday'
- 9 Reason:
In order to safeguard the amenities of the adjoining premises and the surrounding area generally.
- 10 TP/2626-14/RW Permission GRANTED for the change of use of the ground floor, 14 Fellbrigg Road, London SE22 from a retail shop to a cafe/tea-coffee shop.
- 11 A condition of note is condition No. 5 which states that the premises shall not be open to the public for the use hereby permitted other than between the hours of 8.30 am and 5.30pm and at no times on any Sunday or Public Holiday.
- 12 Reason
In order to safeguard the amenities of the adjoining premises and the surrounding area generally.

Planning history of adjoining sites

- 13 No recent applications on file.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 14 The main issues to be considered in respect of this application are:
- 15 a) the principle of the development in terms of land use and conformity with strategic policies.
- 16 b) the impact on the amenity of neighbouring residents and the surrounding area
- 17 c) traffic issues

Planning policy

- 18 Southwark Plan 2007 (July)
3.2 'Protection of Amenity'
5.2 'Transport Impacts'

Principle of development

- 19 The principle of a extension of opening hours in not acceptable in this instance due to the potential negative impact of such an extension in relation to residential amenity and traffic impacts.

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

- 21 The surrounding area is predominately residential and this cafe (former corner shop) is the only one of its kind in the immediate area. At present the opening hours are restricted by Condition 5 of Planning Ref 9200224 which limits the opening hours to between 8.30 and 5.30pm Monday to Saturday.
- 22 It is considered that these opening hours remain appropriate and that any extension to opening hours would have a negative impact on the amenity of adjoining occupiers and on the surrounding area in general in terms of noise and increased traffic movement. The opening hours of the cafe generally coincide with the working day which is the time when many of the surrounding dwellings would be unoccupied and the level of traffic and noise would be at its highest. However, before and after these times, especially in a quiet residential street, it is expected that the area would have a decreased traffic volume and a general decrease in noise levels from activity in the area.
- 23 An increase in opening hours relating to the A3 use to 10pm allows for a potential increase in activity and traffic movement in the immediate area, creating a disturbance for the surrounding residential area.
- 24 It has been suggested that the applicant has agreed to close at 9pm. However having had regard to the application form and having confirmed with the applicant, the application is to extend the opening hours from 8 am to 10pm Mon - Sat and from 9am to 10om on Sun.

Conclusion on planning issues

- 25 Having regard to the above the extension of opening hours is considered to be detrimental to the residential amenity of the area and the recommendation is to refuse permission.

Community impact statement

- 26 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.
- 27 a) The impact on local people is set out above.

Consultations

- 28 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 29 Details of consultation responses received are set out in Appendix 2.

- 30 Summary of consultation responses

- 31 Rt. Hon. Tessa Jowell M.P.
- States that Ms Barret has agreed to close at 9.00pm and this would not be disruptive to the area
- 32 Cllr Jonathan Mitchell
- Supports application
 - cafe serves a diverse range of people
 - there is ample business for the cafe
 - there is a market for such a cafe
 - such uses are part of history, an attractive part of the street scene and an important part of the local economy
- 33 David and Maureen Manning (21 Fellbrigg Road)
- no objection to the longer opening hours
 - would like to support the applicant
- 34 Dan Bevan (9 Fellbrigg Road)
- Supports application
 - would be an asset to the area alongside such businesses nearby such as the Thai Corner Cafe and Blue Mountain Cafe.
- 35 Jim Ivimey, 48 Hansler Street, East Dulwich
- Supports application
 - extension in opening hours would enhance the community
- 36 Chris Merry (no address)
- Supports application
 - type of food is not being offered anywhere else in the area
- 37 16 Felbrigg Road
- Objects to application
 - Noise from the cafe is an issue and would be more of an issue during the evening
 - rubbish from the cafe blowing into garden
 - concerned about the possibility of an alcohol licence
 - extractor fan is located beside rear bedroom of the property and objector has concerns that the flue would create smells and fumes that would come into the bedroom where her daughter sleeps
 - another owner may not be as considerate as current owner
 - concerns about music
- 38 No address
- potential noise nuisance
 - likely to increase demand for parking in the evening

Human rights implications

- 39 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 extended opening hours to an A3 use. The rights potentially engaged by this application, including the 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

41 **Strategic Director of Communities, Law & Governance**
n/a

42 **REASONS FOR LATENESS**
n/a

43 **REASONS FOR URGENCY**
n/a

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2626-14 Application file: 09-AP-2596 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone:: 020 7525 5420 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

AUDIT TRAIL

Lead Officer		
Report Author	Ronan O'Connor	
Version		
Dated		
Key Decision		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance		
Strategic Director of Regeneration and Neighbourhoods		
Strategic Director of Environment and Housing		
Date final report sent to Constitutional / Community Council / Scrutiny Team		

APPENDIX 1

Consultation undertaken

Site notice date: 11/01/2010

Press notice date: n/a

Case officer site visit date: 11/01/10

Neighbour consultation letters sent: 08/01/10

Internal services consulted:

Environmental Protection

Transport

Statutory and non-statutory organisations consulted:

None

Neighbours and local groups consulted:

As per Appendix 3

Re-consultation:

None

APPENDIX 2

Consultation responses received

Internal services

Environmental Protection - no objection
 Transport - no objection

Statutory and non-statutory organisations

n/a

Neighbours and local groups

Summary of consultation responses

Rt. Hon. Tessa Jowell M.P.

- States that Ms Barret has agreed to close at 9.00pm and this would not be disruptive to the area

Cllr Jonathan Mitchell

- Supports application
- cafe serves a diverse range of people
- there is ample business for the cafe
- there is a market for such a cafe
- such uses are part of history, an attractive part of the street scene and an important part of the local economy

David and Maureen Manning (21 Fellbrigg Road)

- no objection to the longer opening hours
- would like to support the applicant

Dan Bevan (9 Fellbrigg Road)

- Supports application
- would be an asset to the area alongside such businesses nearby such as the Thai Corner Cafe and Blue Mountain Cafe.

Jim Ivimey, 48 Hansler Street, East Dulwich

- Supports application
- extension in opening hours would enhance the community

Chris Merry (no address)

- Supports application
- type of food is not being offered anywhere else in the area

Name and Address Withheld on request

- Objects to application
- Noise from the cafe is an issue and would be more of an issue during the evening
- rubbish from the cafe blowing into garden
- concerned about the possibility of an alcohol licence
- extractor fan is located beside rear bedroom of the property and objector has concerns that the flue would create smells and fumes that would come into the bedroom where her daughter sleeps
- another owner may not be as considerate as current owner

- concerns about music

No address

- potential noise nuisance
- likely to increase demand for parking in the evening

APPENDIX 3

Neighbour Consultee List for Application Reg. No. 09-AP-2596

TP No	TP/2626-14	Site	14 FELLBRIGG ROAD, LONDON, SE22 9HH
App. Type	S.73 Vary/remove conds/minor alterations		

Date Printed	Address
08/01/2010	38B SHAWBURY ROAD LONDON SE22 9DH
08/01/2010	12B FELLBRIGG ROAD LONDON SE22 9HH
08/01/2010	29 SHAWBURY ROAD LONDON SE22 9DH
08/01/2010	31 SHAWBURY ROAD LONDON SE22 9DH
08/01/2010	34 SHAWBURY ROAD LONDON SE22 9DH
08/01/2010	15B FELLBRIGG ROAD LONDON SE22 9HQ
08/01/2010	14A FELLBRIGG ROAD LONDON SE22 9HH
08/01/2010	17B FELLBRIGG ROAD LONDON SE22 9HQ
08/01/2010	11B FELLBRIGG ROAD LONDON SE22 9HQ
08/01/2010	16 FELLBRIGG ROAD LONDON SE22 9HH
08/01/2010	18 FELLBRIGG ROAD LONDON SE22 9HH
08/01/2010	13 FELLBRIGG ROAD LONDON SE22 9HQ
08/01/2010	21 FELLBRIGG ROAD LONDON SE22 9HQ
08/01/2010	13A FELLBRIGG ROAD LONDON SE22 9HQ
08/01/2010	10A FELLBRIGG ROAD LONDON SE22 9HH
08/01/2010	38A SHAWBURY ROAD LONDON SE22 9DH
08/01/2010	11A FELLBRIGG ROAD LONDON SE22 9HQ
08/01/2010	15A FELLBRIGG ROAD LONDON SE22 9HQ
08/01/2010	17A FELLBRIGG ROAD LONDON SE22 9HQ
08/01/2010	19 FELLBRIGG ROAD LONDON SE22 9HQ
08/01/2010	12A FELLBRIGG ROAD LONDON SE22 9HH
08/01/2010	10B FELLBRIGG ROAD LONDON SE22 9HH
08/01/2010	REAR OF 31 SHAWBURY ROAD LONDON SE22 9DH

RECOMMENDATION

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

Applicant Mrs K. Barrett
Application Type S.73 Vary/remove conds/minor alterations
Recommendation Refuse permission

Reg. Number 09-AP-2596

Case Number TP/2626-14

Draft of Decision Notice

Planning Permission was REFUSED for the following development:

Variation of condition 2 on application 9200224 to extend opening hours to: 8:00 to 22:00 Monday to Saturday and 9:00 to 22:00 on Sunday.

At: 14 FELLBRIGG ROAD, LONDON, SE22 9HH

In accordance with application received on 23/11/2009

and Applicant's Drawing Nos. No plans submitted

Reason for refusal:

The proposed variation in opening hours to include Sundays between 10am and 4pm would result in a loss of amenity to occupiers of nearby residential properties on Fellbrigg Road and Shawbury Road from increased traffic, vehicular movement and noise generally associated with this type of use. As such the proposal would be contrary to Policy 3.2 'Protection of Amenity' and Policy 5.2 'Transport Impacts' of the Southwark Plan (2007).

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Ordnance Survey

Date 18/3/2010



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Item No. 1.3	Classification: OPEN	Date: 14/4/ 2010	Meeting Name: DULWICH COMMUNITY COUNCIL
Report title:	Development Management planning application: Application 10-AP-0042 for: Advertisement Consent Address: 109 LORDSHIP LANE, LONDON, SE22 8HU Proposal: Display of externally illuminated fascia sign and projecting sign to front of building.		
Ward(s) or groups affected:	East Dulwich		
From:	Head of Development Management		
Application Start Date 11/01/2010		Application Expiry Date 08/03/2010	

RECOMMENDATION

- 1 For consideration by Dulwich Community Council, as officers are minded to recommend the grant of advertisement consent and there have been four objections to the proposal including one from a Ward Councillor.

BACKGROUND INFORMATION

Site location and description

- 2 The application site is located on the western side of Lordship Lane, close to the junction with Shawbury Road. It is a 3-storey building comprising vacant commercial space on the ground floor and flats above. It forms part of a larger 1960s block which contains commercial space on the ground floor and residential above.
- 3 The site forms part of the urban density zone, an air quality management area, the Lordship Lane neighbourhood area and a district town centre.

Details of proposal

- 4 Advertisement consent is sought for the display of the following:
- 5 1.) An externally illuminated fascia sign which would measure 780mm wide x 520mm high and would be mounted 2.4m above ground level. It would comprise white lettering on a blue background, and the lettering to the centre of the sign would be externally illuminated by way of a trough downlighter.
- 6 2.) A projecting sign to the front of the building measuring 500mm high x 700mm deep x 550mm deep and mounted 2.4m above ground level. It would also comprise white lettering on a blue background and would be externally illuminated by way of two trough downlighters.

Planning history

- 7 Advertisement consent was most recently granted for the installation of an illuminated fascia sign to the premises in October 2001 (reference 0101362).

Planning history of adjoining sites

- 8 99-105 Lordship Lane

04-AP-1810 - Display of illuminated fascia sign above shop front and illuminated projecting sign. Advertisement consent was GRANTED in November 2004.

04-AP-1809 - Installation of a new shopfront and air conditioning to the rear. Planning permission was GRANTED in December 2004.

111 Lordship Lane

Advertisement consent was GRANTED for the display of an internally illuminated fascia and projecting sign in November 1995 (reference: TP/ADV/2315-91/ANH).

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 9 The main issues to be considered in respect of this application are:
- a) amenity;
 - b) public safety.

Planning policy

Southwark Plan 2007 (July)

- 10 3.2 Protection of Amenity
3.23 - Outdoor advertisements and signage

Sustainable Design and Construction Supplementary Planning Document September 2007.

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS)

- 11 PPG19: Outdoor Advertisement Control (March 1992)
Town and Country Planning (Control of Advertisement) Regulations (2007)

Amenity

- 12 Concerns have been raised that the proposed display would be harmful to the appearance of the building, and that a proliferation of illuminated advertisement displays and unsympathetic shopfronts will be harmful to the character and appearance of Lordship Lane. Neighbouring residents are concerned that the existing signage on the adjoining buildings has detracted from the appearance of the building as a whole, and that the proposal would add to this.
- 13 Whilst the above concerns are noted, the design of the display is not considered to be harmful to the appearance of the building. The fascia sign would simply sit on the existing fascia plinth and would be of an appropriate size and scale for the building,

and the projecting sign would be of an acceptable size. Overall the size and scale of the proposed display is considered to be acceptable and more in keeping than some of the larger displays, such as that at Haarts Estate Agent's at 103-105 Lordship Lane.

- 14 The signs would be illuminated by way of trough downlighters which are generally more discrete than internal illumination, and a condition requiring the lights to be switched off overnight is recommended. This would help to preserve the visual amenities of the area and would also ensure that there would be no light pollution to the flats above, although downlighters would generally limit this anyway.

Public safety

- 15 The signs would be located 2.4m above ground level which would be sufficient to ensure no harm to pedestrians using the pavement. The proposed illumination would be static and would not therefore distract highway users.

Other matters

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

Conclusion

- 17 Subject to conditions, the proposal would not result in any adverse impacts upon amenity or public safety, therefore it is recommended that advertisement consent be granted.

Community impact statement

- 18 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.

Consultations

- 19 Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

Consultation replies

- 20 Details of consultation responses received are set out in Appendix 2.

Summary of consultation responses

Human rights implications

- 21 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.
- 22 This application has the legitimate aim of providing an externally illuminated

advertisement display. The rights potentially engaged by this application, including the 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.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

N/A.

REASONS FOR LATENESS

N/A.

REASONS FOR URGENCY

N/A.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/ADV/2315-91 Application file: 10-AP-0042 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone:: 020 7525 5410 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

AUDIT TRAIL

Lead Officer		
Report Author	Victoria Lewis	
Version		
Dated		
Key Decision		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
Date final report sent to Constitutional / Community Council / Scrutiny Team		

APPENDIX 1**Consultation undertaken**

Site notice date: 19/01/2010

Press notice date: N/A.

Case officer site visit date: 19/01/2010

Neighbour consultation letters sent: 20/01/2010

Internal services consulted: N/A.

Statutory and non-statutory organisations consulted:

N/A.

Neighbours and local groups consulted:

- 23 Notification letters have been sent to properties in Shawbury Court and Lordship Lane.

Re-consultation:

N/A.

Consultation responses received**Internal services**

N/A.

Statutory and non-statutory organisations

N/A.

Neighbours and local groups

- 24 Three representations have been received objecting to the proposal on the following grounds:
1. The display would greatly damage the 1960s heritage of the building;
 2. An accumulation of brightly lit, projecting 'commercial' shopfronts will destroy the unique character of East Dulwich;
 3. The existing signage on the building has defaced the view of the building and to add to it would result in a more chaotic appearance;
 4. The display would be obtrusive and would distort the character of the flats on the upper floors of the building.
- 25 Councillor Barber (East Dulwich ward) has offered the following comments:
1. Very concerned about further illumination on Lordship Lane;
 2. If the advertisement display is not timer controlled and super energy efficient it should be referred to Dulwich Community Council for a decision.

Insert title

RECOMMENDATION

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

Applicant Mr N. Doyle
Application Type Advertisement Consent
Recommendation Grant permission

Reg. Number 10-AP-0042

Case Number TP/ADV/2315-91

Draft of Decision Notice

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

Display of externally illuminated fascia sign and projecting sign to front of building.

At: 109 LORDSHIP LANE, LONDON, SE22 8HU

In accordance with application received on 11/01/2010

and Applicant's Drawing Nos. Site location plan, fascia specification Rev A (fascia sign), shopfront signage, fascia specification Rev A (projecting sign), front and side elevation.

Subject to the following condition:

- 1 Consent is granted for a period of 5 years and is subject to the following standard conditions:
 1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
 2. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for the measuring of the speed of any vehicle.
 3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason:

In the interests of amenity and public safety as required by Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended.

- 2 The illuminated fascia and projecting signage hereby approved shall be switched off by 23:00 hours everyday.

Reason

In order to reduce energy consumption and reduce potential disturbance from artificial light to nearby residents, in accordance with policy 3.2 Protection of Amenity of the Southwark Plan 2007 and paragraph 4.2 of the Sustainable Design and Construction Supplementary Planning Document September 2007.

Item No.	Classification: Open	Date: 01/04/2010	Meeting Name: Dulwich Community Council
Report title:	PLANNING ENFORCEMENT UPDATE <u>Information Only</u>		
Ward(s) or groups affected:	Dulwich		
From:	Head of development management		

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 January 2010 to March 2010 within the Community Council area.
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.

PERFORMANCE DATA

3. The table below shows performance in dealing with investigations and overall performance on cases received since from October 2009 to March 2010. There has been a slight increase in the number of enquiries over the reporting period compared to same period during the previous financial year including corresponding planning enforcement action.

	Previous Year 08/09	April-September 09	Oct' 09 to March '10	Total for 2009/2010
Cases Received	73	36	26	62
Cases Resolved	65	37	94	131
Live cases				52

4. Members might be aware of the recent scrutiny committee's recent review of the planning enforcement service within Southwark. A report of the findings is yet to be produced. Officers and members, among other issues, agreed the need to consistently use pre-emptive enforcement powers through temporary stop notices, stop notices and injunctions. The planned enforcement database and system updates (ACOLAID) will provide better monitoring of team performance by measuring the following targets:

- initial acknowledgement to all written complaints within 3 working days
 - target decision date (8 weeks from reception date)
 - target site visit (high priority - 1st contact/visit within 24 hours; medium priority - 1st contact/visit within - 5 days & low priority -1st contact/visit within 10 days.
 - target initial acknowledgement of complaint (within 3 days of receipt)
 - target initial update (28 days from reception date)
 - target action plan update (8 weeks from reception date): Where formal legal or enforcement action is taken, complainants will be notified simultaneously with the action, or at most within 3 working days following that action
 - target for issuing enforcement notice (within 2 weeks of instructions to legal)
 - target for issuing temporary stop notice (within 24 hours of instructions to legal).
5. The improved systems will allow future reports to be more detailed on planning enforcement performance.

ENFORCEMENT NOTICES SERVED

Address	Details of Breach & Notice Issued	Date Notice expires	Appeal filed	Further action needed
Land at ground floor of 75-77 Norwood Road shown edged red on the attached plan (the Land).	<p>Breach: Without planning permission, the change of use of the Land from a restaurant (within use class A3) to a night club (sui generis) (the Unauthorised Use).</p> <p>Requirements of Notice: Notice issued on 17/02/2010 to (i) cease the use of the Land as a nightclub; and (ii) remove from the Land all facilities in relation to its use as a night club within one month.</p>	22/04/2010	Information not available	Officers have already met proprietors of Hypnotic to discuss requirements of enforcement notice.
Land at ground floor of 49-51 Norwood Road shown edged red on the attached plan (the Land).	<p>Breach: Without planning permission, the change of use of the Land from a restaurant (within use class A3) to a night club (sui generis) (the Unauthorised Use).</p> <p>Requirements of Notice: Notice issued on 18/02/2010 to (i) cease the use of the Land as a nightclub; and (ii) remove from the Land all facilities in relation to its use as a night club within one month.</p>	22/04/2010	Appeal lodged	Officers have already met proprietors of Hypnotic to discuss requirements of enforcement notice.

APPEALS

268 UPLAND ROAD, LONDON SE22 0DN

6. Alleged breach (08-EN-0197): The conversion of the existing dwelling house into two self-contained flats without planning permission.
7. The issue of the enforcement notice was preceded by visits to the site by enforcement officers over several months, advising representatives of Northbrooke Limited (the owners of the site) by way of letter of the unauthorised nature of conversion works at 268 Upland Road, and of the need for planning permission.
8. The unauthorised development is detailed as the change of use of the Land from use as a single residential dwelling house (within use class C3) into 2 self-contained residential units (one 2 bedroom flat and one 3 bedroom flat) at first, and ground and first floor level.
9. The appellant, has appealed on grounds (b) and (d) of Section 174 (2) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).
10. A Public Inquiry into the Appeal against the Council's Enforcement Notice will be held on the 28th of April, 2010 at the Council's offices at 160 Tooley Street, London SE1 2TZ between 10:00am and 5:00pm.
11. Notification letters regarding the appeal will be sent to affected residents this week.

THE WHITE GOTHIC HOUSE, UNDERHILL ROAD, LONDON SE22 0BU

12. **Alleged breach (04-EN-0033):** the construction of a building containing six residential flats within the curtilage of a Grade II listed building without the benefit of planning permission.
13. The planning history of this site is quite complex. Council has now served an Enforcement Notice requiring the demolition of the White Gothic House in its entirety. An Appeal in respect of the Notice, served on the 20th of January 2010, has been made by the appellant, Mr R Laxman. The appellant has appealed under grounds (a), (c), (d), (f) and (g) of Section 174 (2) of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).
14. Rule 6 statements have now been prepared by both the Council and the appellant. There has been some difficulty in trying to set a date for the Appeal due to unavailability of Counsel for both sides but suitable dates have now been agreed. Subject to the agreement by the planning inspectorate, a public inquiry into the Appeal is to be held on the 1st and 2nd of September 2010 at the Council's Offices located at 160 Tooley Street, London SE1 2TZ.



PROSECUTIONS

LISTED WALL at rear of 19 VILLAGE WAY, LONDON SE21

Alleged breach (04-EN-0077): listed wall in poor condition

15. As members are aware, the owner (Hausman Hughes Ltd) 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. 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.
16. The case was initially heard at Camberwell Green Magistrate's Court and was subsequently adjourned until May 2010 to allow Hausman Hughes Ltd time to comply with the notice. Hausman Hughes Ltd now has until the 4th of May 2010 to comply with the Notice. If compliance is not achieved by this time, prosecution for the offence of non-compliance with the Section 215 Notice will commence at Tower Bridge Magistrate's Court on the 21st of May 2010. Officers will contact the Court on the 4th of May to advise if the Hearing date is still necessary.
17. Since the first hearing on the 22nd of January 2010, works have progressed on site. The dilapidated section of the wall has been dismantled, original bricks have been cleaned and stored, new trenches have been excavated for footings of the new wall and the land is now looking tidier than it has for some years. A sample panel of replacement bricks has also been constructed on site. This sample panel is to remain in place until the works are complete and will serve as an example of the type of bricks, bonding, coursing and pointing to be used in the construction of the new wall.



CLOSED CASES

74 HINDMANS ROAD, LONDON SE22 9NG

Alleged Breach (09-EN-0346): The construction of a loft extension to the front and rear of the existing dwelling house.



Before

After

18. A complaint in respect of a loft extension at this address was received in September 2009. An inspection of the site revealed that a dormer extension had been constructed by Premier Lofts for their clients at 74 Hindmans Road, London SE22 9NG. It was explained to both the freeholders and representatives of Premier Lofts that the dormer was not permitted development due to its dimensions and that, given its appearance and effect on the streetscene, the Council would be unlikely to grant planning permission for such an extension.

19. Officers were able to negotiate with Premier Lofts directly and a course of works were agreed to alter the extension to bring it into compliance with permitted development conditions for Class B and Class C of the Town & Country Planning (General Permitted Development) (Amendment) (England) (No.2) Order 2008. This was achieved without the need for formal enforcement action.

38-40 BARRY ROAD, LONDON SE22 0HR

Alleged breach (09-EN-0288 & 09-EN-0514): roof to Mews development higher than approved and the operation of a van hire business from the site.

20. Officers were initially requested to visit this site in August 2009 due to concern over the distance of the Mews building to the rear boundary with buildings on Upland Road. While the building was found to be compliant in terms of its footprint, it was also discovered that the timber framed roof that was under construction at the time was approximately 620mm higher than approved. This additional height was attributed to the steeper roof pitch of 40 degrees. As the developer wished to use slate tiles rather than artificial slates, a higher pitch was required to accommodate the additional weight of these tiles.

21. A planning application was therefore submitted seeking to regularise this breach of planning control. The application, referenced as 09-AP-2256 was later approved on the 1st of March 2010.



22. Members also later reported in December 2009 that Dulwich Van Hire was still operating their van hire business from the site. This use should have ceased when implementation of the extant planning permission at the site commenced. After bringing this to the attention of Dulwich Van Hire, arrangements were made to move the business from the site to an appropriate location and this in turn brought about the cessation of the use at 38 Barry Road without the need for formal enforcement action.

10 HALF MOON LANE, LONDON SE24 9HU

Alleged breach (09-EN-0171): The installation of a notice board on the forecourt on the premises without listed building consent

23. A notice board was installed in the forecourt of the Grade II Listed Half Moon Public House at 10 Half Moon Lane, London SE24 9HU in April 2009. The installation of such a notice board requires listed building consent and a search of Council's planning records revealed that consent had neither been applied for, nor granted. The freeholder was made aware of this breach of planning control and an application was soon made seeking the retention of the notice board. The application, referenced as 09-AP-1243, was later refused on the 25th of August 2009 as the notice board was considered to be too large. A further application was then made seeking listed building consent for a smaller notice board and this second application was approved on the 24th of November 2009.
24. While the approved smaller notice board has not yet been installed, the old notice board has now been removed from the site. The removal of the sign was negotiated without the need for formal enforcement action.



OTHER MATTERS

Changes to Planning Regulations Relating to Houses in Multiple Occupation (HMOs).

25. Legislative changes come into effect on 6th April. The statutory instrument for the change to the Use Classes Order (UCO) is on the OPSI website at http://www.opsi.gov.uk/si/si2010/pdf/uksi_20100653_en.pdf . This adds a new use class C4 for Houses in Multiple Occupation. This change to the UCO relies, for interpretation, on the meaning of "house in multiple occupation" to the definition in the Housing Act 2004. I attach an extract of the relevant sections of that Act for your information, S.254 and S.258 are of particular reference.
26. The rationale behind this is set out in the CLGs summary of response to their 2009 consultation on HMOs at <http://www.communities.gov.uk/publications/planningandbuilding/housesmultipleresponses>
27. This change to the UCO has also resulted in a change to the General Permitted Development Order (GPDO) so that a an HMO can change to an "ordinary" dwellinghouse without the need for an application for planning permission. The statutory instrument for this is at

http://www.opsi.gov.uk/si/si2010/pdf/uksi_20100654_en.pdf . This part about HMOs is on page 6 under the heading "Class I. This SI also includes other changes to the GPDO increasing existing permitted development rights for industrial and warehouse premises and for schools, colleges, universities and hospitals and by introducing permitted development rights for minor extensions and other minor works to office buildings and shops, catering, financial and professional services premises.

28. Several discussions over the past month on the implications of the proposed amendment to the use class order in terms of:
- a possible increase in the number of applications seeking planning permission or certificates of lawful development for use as HMOs under the new use class;
 - whether there are adequate development plan policies to allow effective decision making;
 - an increase in the number of possible enforcement investigations;
 - resource implications.
29. Officers understand that the government's intention in bringing about this change is to regulate houses in multiple occupation (HMOs). Currently up to 6 unrelated people can occupy a single dwelling as a household without the need for planning permission. The current legislation allows, for example, a group of up to 6 students to occupy a single dwelling without the local authority having any control over the uses. In larger university towns this so called studentification has caused problems during peak term times including parking, noise and litter, and conversely outside of term time the decline in population has led to the loss of facilities serving the local community. Some south coast towns have experienced growth in HMOs accommodating migrant workers and their families. Southwark has a large concentration of dwellings occupied by up to 6 people living together as a household especially in SE16, SE15, SE17, SE5 and to a lesser extent, some sections within SE1.
30. The proposal to amend the threshold in the UCO to refer to not more than 3 people living together as a single household (currently 6 people) and create a new HMO use class was chosen from a number of options after a consultation process. It appears the proposed option was favoured by the RTPi and Planning Officers Association (POS). The UCO does not state the number of persons living together as a single household in a dwelling for it to be considered an HMO to be 3 or more although this figure was mentioned in CLG's summary to the responses to their consultation on this subject. The UCO says that a single household is as defined in S.258 the Housing Act 2004 and this does not set a numerical threshold. S.258 says that persons are not forming a single household unless they are all members of the same family or they are in a description of a group of persons made by regulations for the purpose of being regarded as a single household.
31. So the definition basically comes down to whether or not persons are members of the "same family". S.258 then goes on to define which persons constitute the "same family". This covers couples, again separately defined, and relatives, also

separately defined. So, our reading of this is that even two persons sharing a house or flat would be an HMO use if they are not a couple and are not related.

32. However, all this is further complicated by the "tests" set out in S.254 of the Act. Sub-section (1) of this section seems to imply (by virtue of the word "or" between sub-paras (d) and (e)) that just one of sub-paras (a) to (e) has to be met for a building to be an HMO but that if testing against sub-para (a), the "standard test", which is itself then defined in sub-section (2), all of the criteria in sub-paras (a) to (f) of sub-section (2) have to be met by virtue of the word "and" between sub-paras (e) and (f). Officers will seek legal opinion on the interpretation and application of the sub-paras of these sub-sections.
33. There have been, no doubt, ongoing extensive discussions on the implications of the proposed changes. Many organisations consider that any additional legislative burden is unnecessary and is a 'hammer to crack a nut'. The British Property Federation (BPF) has branded the proposals a 'nimbies charter'. It is however evident that the proliferation of groups such as students in high concentrations can have a negative impact upon an area. Whilst market forces may eventually generate sufficient purpose built halls of residence for students this is unlikely to be achieved in the short or medium term. Whilst in certain parts of the country greater control would be beneficial, it is also true that the changes could potentially undesirably impact upon other uses such as small scale care homes (care in the community).
34. Enquiries on possible unauthorised HMOs to the Council have in the past been received mainly from residents and in some cases the Council's own housing enforcement team. The main concern from local residents is not necessarily a problem with people sharing a house, but serious concerns about streets where most of the houses are in shared occupation. Few people live in HMOs or shared accommodation for very long, so what this means is a constantly changing population. Constant change breaks the links on which communities depend. It is generally agreed that as HMOs/shared occupancy increase, community spirit decreases. There are some streets in Southwark where temporary tenants outnumber longer term residents. The results are all too obvious in the changes that have overtaken these neighbourhoods in the last decade.
35. It appears most flat/house shares will be caught by that new definition as well as student accommodation and other special needs housing that have previously housed up to six un-related tenants (Class C3 has been revised to specifically include those dwellings where not more than six residents are living together as a single household where care is provided for them. This seems to take these outside of the HMO use class). There will no doubt be interesting tests as to what the definition of "related" is. The actual implementation and interpretation of the new regulations is likely to be initially fraught with many practical difficulties.
36. The duty planning service is already receiving enquiries from landlords seeking to confirm their position, however until the new regimes comes into force in April, it is not clear what the new use class will fully provide for and what guidance will be available for local planning authorities to interpret and implement the additional controls.
37. The following steps are proposed in the interim:

- review all cases of shared accommodation investigated by planning enforcement within the past 10 years to assess the implications of the new legislation;
- review whether current development policies allow for effective decision making on the new use class;
- once the new regime comes into effect, post some guidance on the Southwark website;
- standardise responses to enquiries by landlords and local residents. Where landlords are in doubt, encourage submission of applications for either full planning permission or certificates of lawful development;
- in terms of resource implications, there are no planned increase in staffing, the emphasis being to continue to do more with available resources;
- the planning enforcement and housing enforcement teams will work closely together in implementing the proposed changes;
- discussions with colleagues in Housing enforcement suggests that they welcome the change in definition of HMOs as it removes previous inconsistencies on this matter between planning and housing acts.

38. Housing Enforcement had the following specific observations to the proposed changes:

- From our view point the current difference between the planning act and housing act definitions of what is a HMO has caused confusion with landlords (e.g. planners still have properties which they call shared houses which to them are not HMOs but to us are HMOs.) Landlords often claim that because planning doesn't class the property as a HMO then we cannot either. The proposed change in definition will bring both definitions closer together making the enforcement process a lot easier and less confusing for landlords.
- Identifying and defining HMOs is notoriously difficult, particularly shared houses or houses with multiple "lodgers". The proposal will therefore assist councils in doing this.
- There has been a dramatic increase in poor standard HMOs being created in the last few years, (the 2009 House Condition Survey confirms this) therefore some control and or disincentive might not be a bad thing. Plus the changes aren't retrospective so there is unlikely to be a sudden decrease. Further the hurdle might serve to filter those who really want to be HMO landlords as opposed to the more opportunistic amateur landlord.
- If the potential landlords are known to us via the planning process, we (EHTS) can help to advise and assist the landlord to comply with HMO legislation from the outset. Traditionally amateur landlords don't prioritise their spending on work that will actually bring about compliance, because they are completely unaware of matters such as fire safety, overcrowding legislation etc. Therefore the new process will lessen risks to potential tenants because we will have advanced notice of a potential change and can affect a suitable intervention at an earlier stage to ensure new HMOs meet the required safety standards.

- Many landlords already ignore the planning process when changing the use of a dwelling to a HMO therefore whether this benefit will be seen in practice is doubtful. In theory, in changing the planning class there will be greater powers to regulate new HMOs and any increased regulation of higher risk and hazardous accommodation is to be welcomed.
- Finally it might serve to encourage landlords to convert houses into self contained/studio flats which provide much better accommodation.

39. The proposed changes, no doubt spells busy times for the relevant Council enforcement units.

Joined Up Working

40. The other main issue raised during the scrutiny committee's review of planning enforcement was the need for more effective joined up working between planning enforcement and other relevant Council units, external organisations and residents.

41. Members expressed their interest in seeing stronger joined up working relationships involving planning enforcement. To this end, officers are in the process of arranging, to start with, an officer exchange with the environmental and housing department which has the following teams (among others): food safety, trading standards, licensing, environmental protection, health and safety, housing enforcement, community wardens, waste and litter. Planning enforcement officers are not all too familiar with the responsibilities of the various teams within environmental protection and housing and the relevant contact officers within these teams and vice versa.

42. The officer exchange will provide an opportunity to develop more effective ways of joined up works through (i) establishing what each team does (ii) the relevant contacts within each team (iii) identifying areas of joined up working and information sharing with planning enforcement and (iv) possible joint events/meetings, etc.

CONCLUSION

43. Officers hope that members find this report informative and welcome comments to improve format and content of the report to meet expectations. It is hoped that subsequent reports will provide more details on the performance of the enforcement team on agreed performance indicators and where possible broken down to ward level.

Delegated Officer
REPORT AUTHOR
Contact Officers

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Dennis Sangweme

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

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(Tel: 020 7525 7234)

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