

# Dulwich Community Council

## Planning

Wednesday 15 December 2010  
7.00 pm

Herne Hill Baptist Church, Half Moon Lane, London SE24 9HU

### Membership

Councillor James Barber (Chair)  
Councillor Helen Hayes (Vice-Chair)  
Councillor Robin Crookshank Hilton  
Councillor Toby Eckersley  
Councillor Jonathan Mitchell  
Councillor Michael Mitchell  
Councillor Lewis Robinson  
Councillor Rosie Shimell  
Councillor Andy Simmons

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Members of the committee are summoned to attend this meeting

**Annie Shepperd**

Chief Executive

Date: Tuesday 7 December 2010



## Order of Business

Item No.	Title	Time
1.	INTRODUCTION AND WELCOME	
2.	APOLOGIES	
3.	DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS	

Members are asked to declare any interest or dispensation and the nature of that interest or dispensation which they may have in any of the items under consideration at this meeting.

<b>Item No.</b>	<b>Title</b>	<b>Time</b>
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**4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT**

The Chair to advise whether they have agreed to any item of urgent business being admitted to the agenda.

**5. MINUTES (Pages 4 - 6)**

To confirm as a correct record the minutes of the meeting held on 17 November 2010.

**6. DEVELOPMENT CONTROL ITEMS (Pages 7 - 11)**

**6.1. 64 WORLINGHAM ROAD, LONDON SE22 9HD (Pages 12 - 25)**

**6.2. JAMES ALLEN'S GIRLS SCHOOL, 144 EAST DULWICH GROVE, LONDON SE22 8TE (Pages 26 - 63)**

**6.3. 208 BARRY ROAD, LONDON SE22 0JS (Pages 64 - 76)**

**6.4. 31 ELMWOOD ROAD, LONDON SE24 9NS (Pages 77 - 90)**

Date: Tuesday 7 December 2010

## **INFORMATION FOR MEMBERS OF THE PUBLIC**

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**CONTACT:** Beverley Olamijulo, Constitutional Officer, Tel: 020 7525 7234 or email: [beverley.olamijulo@southwark.gov.uk](mailto:beverley.olamijulo@southwark.gov.uk)  
Website: [www.southwark.gov.uk](http://www.southwark.gov.uk)

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## **DULWICH COMMUNITY COUNCIL - PLANNING -**

MINUTES of the Dulwich Community Council held on Wednesday 17 November 2010 at 7.00 pm at Christ Church, 263 Barry Road, London SE22 0JT

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**PRESENT:** Councillor James Barber (Chair)  
Councillor Helen Hayes (Vice-Chair)  
Councillor Robin Crookshank Hilton  
Councillor Toby Eckersley  
Councillor Michael Mitchell  
Councillor Andy Simmons

**OFFICER** Gavin Blackburn (Legal Officer)  
**SUPPORT:** Sonia Watson (Planning Officer)  
Gerald Gohler (Constitutional Officer)

### **1. INTRODUCTION AND WELCOME**

The chair welcomed councillors, members of the public and officers to the meeting.

### **2. APOLOGIES**

There were apologies for absence from Councillors Jonathan Mitchell, Lewis Robinson and Rosie Shimell.

### **3. DISCLOSURE OF MEMBERS' INTERESTS AND DISPENSATIONS**

Members declared interests regarding the following agenda items:

#### **Agenda item 6.1 - 8 Alleyn Park, London, SE21 8AE**

Councillor Andy Simmons, personal, as he would speak on this item in his capacity as a ward councillor.

#### 4. ITEMS OF BUSINESS THAT THE CHAIR DEEMS URGENT

The chair informed the meeting that he had received a letter from Councillor Robinson about item 6.1 which had been circulated to members and which he would read out during the item.

#### 5. MINUTES FROM THE PREVIOUS MEETING

##### **RESOLVED:**

That the minutes of the meeting held on 14 October 2010 be agreed as a correct record of the meeting, and signed by the Chair.

#### 6. DEVELOPMENT CONTROL ITEMS

##### 6.1 8 ALLEYN PARK, LONDON, SE21 8AE

##### **Planning application reference number 10-AP-2545**

*Proposal: Loft conversion with three new dormer extensions on rear facing roof slope and enlargement of width of link between living room and kitchen.*

NOTE: At this point Councillor Andy Simmons went to sit in the public gallery.

The Planning Officer introduced the report and circulated the site plans.

An objector spoke against the application. Councillors asked questions of the objector.

The applicant's agent and the applicant spoke in support of the application. Councillors asked questions of the applicant's agent and the applicant.

There were no local supporters of the application.

The chair read out a letter by Councillor Lewis Robinson.

Councillor Andy Simmons spoke in his capacity as a ward councillor. Councillors did not ask questions of Councillor Simmons.

Members discussed the application.

##### **RESOLVED:**

That planning permission for application 10-AP-2545 be granted, subject to the conditions outlined in the report and subject to an additional condition that the new bathroom window must be obscure glazing.

The meeting ended at 7.45pm.

**CHAIR:**

**DATED:**



<b>Item No.</b> 6.	<b>Classification:</b> Open	<b>Date:</b> 15 December 2010	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>		Development Management	
<b>Ward(s) or groups affected:</b>		All within Dulwich [College, East Dulwich & Village] Community Council area	
<b>From:</b>		Strategic Director of Regeneration and Neighbourhoods	

### RECOMMENDATIONS

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

### BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Article 8 which describes the role and functions of the planning committee and Article 10 which describes the role and functions of community councils. These were agreed by the constitutional meeting of the council on May 23 2007 and amended on January 30 2008 and May 20 2009. The matters reserved to the planning committee and community councils Exercising Planning Functions are described in parts 3F and 3H of the Southwark council constitution. These functions were delegated to the planning committee.

### KEY ISSUES FOR CONSIDERATION

5. In respect of the attached planning committee items members are asked, where appropriate -
6. To determine those applications in respect of site(s) within the borough, subject where applicable, to the consent of the Secretary of State for Communities and Local Government and any directions made by the Mayor of London.
7. To give observations on applications in respect of which the council is not the planning authority in planning matters but which relate to site(s) within the borough, or where the site(s) is outside the borough but may affect the amenity of residents within the borough.

8. To receive for information any reports on the previous determination of applications, current activities on site, or other information relating to specific planning applications requested by members.
9. Each of the following items are 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. Where a refusal is recommended the draft decision notice will detail the reasons for such refusal.
10. Applicants have the right to appeal to Planning Inspector against a refusal of planning permission and against any condition imposed as part of permission. Costs are incurred in presenting the Council's case at appeal which may be substantial if the matter is dealt with at a public inquiry.
11. The sanctioning of enforcement action can also involve costs such as process serving, court costs and of legal representation.
12. Where either party is felt to have acted unreasonably in an appeal the inspector can make an award of costs against the offending party.
13. All legal/Counsel fees and costs as well as awards of costs against the council are borne by the regeneration and neighbourhood's budget.

### **Community Impact Statement**

14. Community Impact considerations are contained within each item.

### **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

#### **Strategic Director of Communities, Law & Governance**

15. A resolution to grant planning permission shall mean that the development & building control manager 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 development & building control manager 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 planning committee.
16. A resolution to grant planning permission subject to legal agreement shall mean that the development & building control manager 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 development & building control manager. 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 & democratic services. The planning permission will not be issued unless such an agreement is completed.

17. 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, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.
18. 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).
19. Section 106 of the Town and Country Planning Act 1990 as amended 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:
  - I. restrict the development or use of the land;
  - II. require operations or activities to be carried out in, on, under or over the land;
  - III. require the land to be used in any specified way; or
  - IV. 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.

20. 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 obligation 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 June 27 2007 and Council Assembly Agenda January 30 2008	Constitutional Team Communities, Law & Governance 2 <sup>nd</sup> Floor 160 Tooley Street PO Box 64529 London SE1 2TZ	Kenny Uzodike 020 7525 7236
Each planning committee item has a separate planning case file	Council Offices, 5th Floor 160 Tooley Street, London SE1P 5LX	The named case Officer as listed or Gary Rice 020 7525 5437

## AUDIT TRAIL

<b>Lead Officer</b>	Deborah Collins, Strategic Director of Communities, Law & Governance	
<b>Report Author</b>	Nagla Stevens, Principal Planning Lawyer Kenny Uzodike, Constitutional Officer	
<b>Version</b>	Final	
<b>Dated</b>	1 October 2010	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	Yes	Yes
Strategic Director of Regeneration and Neighbourhoods	No	No
Head of Development Management	No	No

**ITEMS ON AGENDA OF THE DULWICH CC**  
**on Wednesday 15 December 2010**

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**Appl. Type** Full Planning Permission  
**Site** 64 WORLINGHAM ROAD, LONDON, SE22 9HD

**Reg. No.** 10-AP-1015  
**TP No.** TP/2665-64  
**Ward** East Dulwich  
**Officer** Daniel Davies

**Recommendation** GRANT PERMISSION  
**Proposal**

***Item 6/1***

New two bed dwelling house on ground, first and second floors located in between nos 64 and 66 Worlingham Road.

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**Appl. Type** Full Planning Permission  
**Site** JAMES ALLEN'S GIRLS SCHOOL, 144 EAST DULWICH GROVE, LONDON, SE22 8TE

**Reg. No.** 10-AP-1510  
**TP No.** TP/2120-C  
**Ward** Village  
**Officer** Victoria Lewis

**Recommendation** GRANT PERMISSION  
**Proposal**

***Item 6/2***

Erection of 3-storey plus basement building to provide a community music centre for use by school and local community (Use Class D1).

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**Appl. Type** Full Planning Permission  
**Site** 208 BARRY ROAD, LONDON, SE22 0JS

**Reg. No.** 10-AP-2852  
**TP No.** TP/2596-208  
**Ward** East Dulwich  
**Officer** Jeremy Talbot

**Recommendation** REFUSE PERMISSION  
**Proposal**

***Item 6/3***

Change of use from a residential dwellinghouse to a nursery (Class D1) with single storey ground floor rear extension, and two rear dormer window extensions forming one residential staff flat. Associated bin and pram storage areas and cycle parking.

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**Appl. Type** Full Planning Permission  
**Site** 31 ELMWOOD ROAD, LONDON, SE24 9NS

**Reg. No.** 10-AP-2196  
**TP No.** TP/2103-31  
**Ward** Village  
**Officer** Michael Mowbray

**Recommendation** GRANT PERMISSION  
**Proposal**

***Item 6/4***

The demolition of an existing property (comprising two flats) at number 31-33 Elmwood Road. The construction of two new terraced houses on basement, ground, first and second floor levels.

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Ordnance Survey

Date 3/12/2010



<b>Item No.</b> 6.1	<b>Classification:</b> OPEN	<b>Date:</b> 15 December 2010	<b>Meeting Name:</b> Dulwich Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 10-AP-1015 for: Full Planning Permission  <b>Address:</b> 64 WORLINGHAM ROAD, LONDON, SE22 9HD  <b>Proposal:</b> New two bed dwelling house on ground, first and second floors located in between no's 64 and 66 Worlingham Road.		
<b>Ward(s) or groups affected:</b>	East Dulwich		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 05/05/2010		<b>Application Expiry Date</b> 30/06/2010	

#### **RECOMMENDATION**

- 1 To grant planning permission, subject to conditions.

#### **BACKGROUND INFORMATION**

- 2 To consider the application which has received 6 objections.

#### **Site location and description**

- 3 The site is located at a bend in the road and occupies the land between two semi-detached dwellings. The dwellings are brick built but have differing architectural styles: 66 having projecting bays, gable ends and constructed from red brick; 64 constructed from yellow stock brick, having chamfered bays and a hipped roof in terracotta tile.
- 4 The surrounding area is typically residential and a short walk from Lordship Lane, Goose Green and East Dulwich Station.
- 5 The site has a PTAL of 4 and is within a controlled parking zone.
- 6 The building is not listed, but is not located within a conservation area.

#### **Details of proposal**

- 7 The proposal seeks permission to erect a new dwelling house that would occupy a site between 64 and 66 Worlingham Road.
- 8 The dwelling would be three storeys having the following internal floor areas:  
 Ground floor: 34 sq m  
 First floor: 21 sq m  
 Second floor: 17 sq m
- 9 It would also provide a rear garden measuring 50 sq m and a balcony/terrace area of

2.85 sq m.

- 10 The ground floor would provide a main living area/kitchen. There would be a staircase at the front of the house leading up to the first floor bedroom and second floor bedroom/study area with roof terrace.

### **Planning history**

- 11 None of relevance.

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

#### **63 Worlingham Road**

- 12 No planning history of relevance.

#### **66 Worlingham Road**

- 13 No planning history of relevance.

#### **40 Crystal Palace Road**

- 14 0000087 Planning permission was GRANTED on 24/03/2000 to retain a front porch to dwelling house.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 15 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) impact on the amenity of nearby occupiers
  - c) design

### **Planning policy**

- 16 Southwark Plan 2007 (July)
- 3.2 'Protection of amenity'
  - 3.4 'Energy efficiency'
  - 3.7 'Waste reduction'
  - 3.11 'Efficient use of land'
  - 3.12 'Quality in design'
  - 3.13 'Urban design'
  - 4.2 'Quality of accommodation'
  - 5.2 'Transport impacts'
  - 5.3 'Walking and cycling'
  - 5.6 'Car parking'

### **Principle of development**

- 17 The scheme would have a density of 250 habitable rooms per hectare and in this respect in accordance with density standards in the Southwark Plan. There would therefore be no objection to the scheme provided it would positively respond to the constraints of the site and its surroundings; have acceptable amenity effects and



provide a good standard of amenity in accordance with the relevant saved policies of the Southwark Plan (2007).

### **Environmental impact assessment**

18 Not required.

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

19 Policy 3.2 seeks to protect the standard of amenity for adjoining occupiers which is particular concern as objectors have indicated that the development would result in an unacceptable loss of light. This section of the report will explain the considerations given when evaluating the proposals impact having regard to representations submitted by neighbours and guidance in the Residential Design Standards Supplementary Planning Document and the Building Research Establishments (BRE) daylight and sunlight tests.

20 Guidance in the Residential Design Standards Document is based on a 'good practice guide' published by the BRE. It seeks to ensure good conditions in the local environment and ensure that there is enough sunlight and daylight on or between buildings for good interior and exterior conditions.

21 To measure the impact of new development on neighbouring properties the analysis has focused on 2 particular tests:

i) the daylight test

ii) the sunlight test

22 *The daylight test*

With regard to the objections received, rear windows at 42, 44 Crystal Palace would face the affected development. The test required to be used in this instance is the 25 degree angle test. In assessing the impact of the scheme, a line was drawn on plan at a 25 degree angle up towards the development. The principle of the assessment technique is that where the proposed development is higher than the 25 degree line, there may be an unacceptable loss of daylight to the affected window.

23 The line drawn, intersected at a point marginally below the ridge of the main roof at 64 Worlingham Road but did not intersect with the roof of the proposed new dwelling. This is largely because the height of the ridge of the proposed new roof would sit at a lower level than established roof forms either side. In this respect the design of the scheme minimises any impact in terms of daylight and sunlight and would be in accordance with the councils Residential Design Standards Supplementary Document and would not result in an unacceptable loss of light.

24 Objections were also raised by occupiers at 66 Worlingham and 50 Crystal Palace Road, each of which would have windows located at a right angle to the proposed development. The test required in this instance is the 45 degree angle daylight test requiring a line to be drawn at 45 degrees upwards from the centre of the affected window towards the property. In assessing the impact of the scheme in this way, the assessment seeks to determine if the proposed development would affect daylight and sunlight by reason of the developments width and height to that extent that it would result in an unacceptable loss of daylight to the affected windows. The assessment in this instance focused upon the impact at windows at 66 Worlingham Road based on the assumption these would be most affected, owing to its proximity to the proposed development.

- 25 The line drawn would not intersect any part of the proposed dwelling, particularly as its design is such that it sits flush with the first and second floor building line at 66 and 64 Worlingham Road. While the proposed scheme would project further than the building line at ground floor level, it would not intersect the 45 degree angle line and so in this respect the design of the scheme would be such that it would not create unacceptable impacts on neighbours.
- 26 The same 25 degree and 45 tests are used to assess the impact of development on sunlight. In this regard, the effects of the scheme were also considered to be acceptable and would not result in harm.
- 27 Both these assessments demonstrate that in planning terms the scheme would meet the technical requirements set out in the council guidance and BRE best practice. However due regard was also be given to the qualitative concerns raised by objectors and the specific context of the site and the proposed relationship between the existing and proposed new dwellings.
- 28 Two objections were concerned that the impact of the scheme would be most felt both in the morning and early evening (42 and 44 Crystal Palace Road). The concern was that the visual break between properties at 66 and 64 Worlingham provides a level of amenity that, in the event of approval would be harmed.
- 29 The specific gardens under consideration in this instance are west facing benefiting from modest views between 64 and 66 Worlingham Road. The important factor here being the vertical sky component and the quality of the view and corresponding level of daylight received at those affected windows.
- 30 In establishing the existing relationship it was observed that views from affected windows are already limited by the width and height of properties on Worlingham Road and the irregular corner plot relationship between these dwellings and the ridge height of roofs beyond Worlingham Road. These factors form an important in contextualising assessment to enable a judgement to be made on the effect of the new dwelling on the views and daylight enjoyed by occupiers, particularly at 42 and 44 Crystal Palace Road.
- 31 The proposed ridge height would be approximately 2 metres above the height of existing roofs that already limit views and daylight and sunlight to properties on Crystal Palace Road. However these properties would retain views of the sky and receive good levels of daylight and sunlight, particularly when we consider the outcome of the daylight test set out in good practice. After careful consideration, it was considered that the level of amenity that would result , in the event of approval, would be in accordance with guidance on the Residential Design Standards SPD. In this respect, the proposal was not considered likely to cause harm to the extent that would warrant the refusal of planning permission.
- 32 Loss of privacy  
Concerns were raised that the scheme would result in the loss of privacy, particularly as a result of the proposed balcony area.
- 33 The balcony would be at third floor level, between the top floor and the side of the hipped roof at No. 64 Worlingham Road. It is accessed from the study and forms a narrow outdoor terrace of, 2.85 sq m. Both ends of the terrace area have been set back 1.2 metres and would have screens, removing views and the potential for overlooking toward properties at the front and rear of the proposed dwelling as shown on drawing WR (00)04 P4. For these reasons the balcony area is not anticipated to result in an unacceptable loss of privacy, however a condition requiring the materials of the screen to be obscure glazed is recommended to safeguard the standard of

privacy.

- 34 At first floor level, the proposed dwelling would have a rear bedroom window that would have views towards the rear gardens of dwellings on Crystal Palace Road. These views would be similar to those from 64 and 66 Worlingham, although narrower owing to the position of the window between both adjoining dwellings. While the views from this window would not be dissimilar to those at first floor level either side of the dwelling, the distance of this windows from the closest rear window on Crystal Palace Road is 14 metres which is less than the 21 metre minimum distance recommended in the Residential Design Standards SPD. After careful consideration, it was considered that the shortfall in distance could be mitigated by way of a condition if the window under consideration were to be obscure glazed and non-opening upto a height of 1.7 metres in the first floor bedroom. This would mitigate any loss of privacy and ensure that garden areas are not overlooked from the new dwelling house.
- 35 Based on this analysis, the scheme would on balance have an acceptable impact in terms of daylight and sunlight and privacy and would be in accordance with policy 3.2.

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

- 36 The development is located within a residential area and intended for occupation by a couple or small family. Nearby uses are also residential and include a nearby school, and various other local convenience outlets along Lordship Lane and Goose Green. Taking this into account there, are no concerns that the nearby amenity uses would adversely affect occupiers of proposed development.

#### **Traffic issues**

- 37 The site benefits from good access to public transport (PTAL of 4) and is not located within a controlled parking zone.
- 38 While no details have been provided of plans to accommodate a vehicle, the site is limited in size and any occupiers likely to use on-street car parking. Concerns were raised by residents that the development would put pressure on local parking facilities. However, owing to the modest size of the dwelling its is unlikely that vehicles used by future occupiers would significantly impact on the operation and safety of the surrounding highway network, particularly as it not a controlled parking zone. Notwithstanding this, no objections were received from the Southwark Transport Team to this proposal.
- 39 Concerns were raised that the scheme would not provide dedicated facilities for bicycles or wheelchairs. While wheelchair adaptable housing is encouraged, there is no requirement to make this provision on a small scale scheme that would provide a single dwelling. In terms of bicycle parking, it is considered that there would be sufficient space in either the front or rear garden space to accommodate cycle storage in accordance with policy.
- 40 For these reasons there are no concerns that the proposal would result in traffic issues and would be compliant with policies 5.2 and 5.3

#### **Design issues**

- 41 The proposal would provide a single dwelling on a plot within a residential area infilling the gap between two existing houses. In this respect development is required to respond to the site and its context, having particular regard to height, scale and

massing and alignment in accordance with guidance point 3.9 of the Residential Design Standards SPD.

- 42 From the front the design of the dwelling is contemporary having horizontal timber louvers and glass paneling along its vertical plane. The stair case is expressed as a curved vertical glazed element, set slight back from the front of number 66. Between the stair element and number 64 is the entrance door, which would be timber and slightly set back. While timber would contrast with the dominant brick character of nearby dwellings, the development has sought to respond its adjoining dwellings through the continuation of horizontal bands, broadly in line with the brick work at and the appearance of a traditional door and proportions of window at first floor level.
- 43 While objections were received regarding the use of timber and its appearance in the context of surroundings, it considered that the scheme development would successfully respond to the contrasting heights, architectural detailing and alignment of each adjoining property to achieve a design solution that is very much contemporary within a traditional setting.
- 44 The development would in large part appear 'light weight' and not dominate the properties either side and in this respect not considered to detract from the appearance of adjoining houses or their contribution to the street scape.
- 45 There is no presumption against the contemporary design of dwellings, even where there is a dominant material type or architectural style. Guidance does however seek to ensure design solutions positively respond to the local context and does not create visual amenity concerns. The scheme would on the contrary be an innovative addition in terms of infill development and appropriate in terms of its height, scale and massing in the context of adjoining sites, however a condition is recommended to ensure that timber and glazing used along the front elevation would be submitted and approved in writing by the local planning authority before any development commences in the interest of safeguarding visual amenity.
- 46 To the rear the development would be vertically aligned with the rear wall of each adjoining property, and finished in white render. It would create a garden of 50 sq m in and erect a timber fence of 1.8 metres to which there is no objection.

#### Quality of accommodation

- 47 The dwelling would provide a large open plan kitchen and living area and two bedrooms. The kitchen, bedrooms bathroom and living area would all exceed the minimum requirements set out in the Residential Design Standards SPD 2008 and so in this regard the development would provide a good quality of residential accommodation.
- 48 It would have a garden of approximately 50 sq metres which would meet the minimum set out in the Residential Design Standards SPD 2008 and therefore would be acceptable.
- 49 Following an analysis of the plans it is considered that there would be ample room within the curtilage of the dwelling to accommodate waste storage facilities and there are no immediate concerns that its design would prejudice the implementation of sustainable waste management practices on site. Notwithstanding this, a condition requiring details of domestic refuse storage to be submitted and approved in writing is recommended.

#### Energy

- 51 Policy 3.4 seeks to ensure all development are designed to maximise energy

efficiency and to minimise and reduce energy consumption and carbon dioxide emissions. While the applicant has not provided information on the specific measures that would help contribute towards minimizing the consumption of the dwelling the proposal will need to be built in accordance with current building regulations and in this respect is likely to perform to a better environmental standard than other nearby houses. For this reason, there are no objections to the design of the proposal.

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

52 None.

#### **Impact on trees**

53 None.

#### **Planning obligations (S.106 undertaking or agreement)**

54 Not required as the scheme falls below the threshold for a s106 contribution.

#### **Sustainable development implications**

55 The proposal would result in the creation of a residential dwelling on previously developed land, and in this respect would be considered sustainable.

#### **Other matters**

56 There was a concern that the development would result in the loss of space for emergencies in the event of fire. It has been assumed that the space referred to would be the gap between the dwellings, which is in formal ownership of occupiers at 64 Worlingham Road. Occupiers at this site have not indicated that this space is or has been used as an emergency access point nor are there any formal records to indicate that the site has been formally designed or designated for that use.

#### **Conclusion on planning issues**

57 The proposal would provide a new dwelling within a residential area that, although contrasting in appearance, would have a minimal impact on amenity to nearby dwellings, provide good quality residential accommodation and positively contribute to the streetscene at this part of Worlingham Road. On balance, it is considered that the benefits of providing quality residential accommodation and an interesting addition to the streetscene would outweigh the impact on views from the rear from Crystal Palace Road which after careful consideration would be acceptable in accordance with guidance in the Residential Design Standards SPD and BRE best practice. For this reason it is recommended that this proposal is approved.

#### **Community impact statement**

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

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

#### **Consultations**

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

### **Consultation replies**

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

- 61 Summary of consultation responses  
11 responses from 6 objectors.

### **Human rights implications**

- 62 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.
- 63 This application has the legitimate aim of providing a new residential dwelling. 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**

- 64 None received.

### **REASONS FOR LATENESS**

- 65 Not applicable.

### **REASONS FOR URGENCY**

- 66 Not applicable.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2665-64 Application file: 10-AP-1015 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquires telephone: 020 7525 5403 Planning enquires email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5461 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Daniel Davies, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	5 November 2010	
<b>Key Decision</b>	No.	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	None.	None received
Strategic Director of Regeneration and Neighbourhoods	None.	None received.
Strategic Director of Environment and Housing	None	None received.
<b>Date final report sent to Constitutional / Scrutiny Team</b>		6 December 2010

**APPENDIX 1****Consultation undertaken**

**Site notice date:** 21/06/2010

**Press notice date:** Not required.

**Case officer site visit date:** 21/6/2010 (accompanied)

**Neighbour consultation letters sent:** 12/05/2010

**Internal services consulted:**

Design Surgery  
Transport Planning

**Statutory and non-statutory organisations consulted:**

None.

**Neighbours and local groups consulted:**

As listed in IDOX Enterprise.

**Re-consultation:** 22/07/2010, 26/07/2010 and 13/10/2010.



## Consultation responses received

### Internal services

Design Surgery - Raised concerns regarding the initial submitted scheme citing concern regarding its design. Following amendments received on the 14th July and 8th October 2010, they were of the opinion that the design concerns had been resolved and recommended that the proposal be put forward for approval.

### Statutory and non-statutory organisations

None received.

### Neighbours and local groups

11 Letters of objection received from 6 objectors:

44 Crystal Palace Road (1)  
50 Crystal Palace (1)  
66 Worlingham Road (1)  
42 Crystal Palace Road (2)  
53 Crystal Palace Road (1)

Main issues raised were that proposal would result in:

- Loss of daylight and sunlight (42,44,50,66)
- Overlooking and loss of privacy as result of balcony area (42, 44)
- A visually overbearing development (66)
- Materials that would appear incongruous with the surrounding buildings and detract from the character of the street scene (42, 44)
- Pressure on parking provision in the area and the loss of an off street parking space (42 44,)
- The loss of space for emergencies in the event of fire (42, 44)
- Loss of a green area (42)
- Overdevelopment (42)
- Absence of facilities for bicycles or wheelchairs (42)

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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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

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<b>Applicant</b>	Mr D. Parsons	<b>Reg. Number</b>	10-AP-1015
<b>Application Type</b>	Full Planning Permission	<b>Case</b>	TP/2665-64
<b>Recommendation</b>	Grant permission	<b>Number</b>	

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### Draft of Decision Notice

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

New two bed dwelling house on ground, first and second floors located in between nos 64 and 66 Worlingham Road.

**At:** 64 WORLINGHAM ROAD, LONDON, SE22 9HD

**In accordance with application received on 20/04/2010 08:03:14**

**and Applicant's Drawing Nos.** WR/EX/01, WR/EX/02, WR/EX/03, WR/EX/04, WR/EX/05, WR(00) 00 P2, WR(00)01 P3, WR(00) 02 P3, WR (00) 03 P3, WR(00)04 P4, WR(00 05 P3, WR (00) 06 P3, WR(00)07 P3, WR(00)08 P3, WR 100 P1, WR SK 02 P3.

**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: WR(00)01 P3, WR(00) 02 P3, WR (00) 03 P3, WR(00)04 P4, WR(00 05 P3, WR (00) 06 P3, WR(00)07 P3, WR(00)08 P3, WR 100 P1, WR SK 02 P3.

**Reason:**

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

- 3 Samples of the timber and glass 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 that the timber and glass used to construct the dwelling will respond well to the local context, in the interest of the design and appearance of the building in accordance with Policy 3.12 'Quality in design' of the Southwark Plan [2007].

- 4 Prior to the commencement of development, details (2 copies) of obscure glazing to the the first floor rear window and samples of the privacy screen to be erected at the front and rear of the balcony area shall be submitted to and approved in writing by the Local Planning Authority. The glazing should be obscure glazed and shall not be replaced or repaired otherwise than with obscure glazing without the prior written approval of the Local Planning Authority.

**Reason**

In order that the privacy of adjoining and nearby neighbours may be protected from overlooking from use of the balcony area in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

- 5 The dwellings hereby permitted shall not be occupied before details of the arrangements for the storing of domestic refuse have been submitted to (2 copies) and approved by the local planning authority and the facilities approved have been provided and are available for use by the occupiers of the dwellings. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

#### Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with saved policy 3.2 'Protection of amenity' and 3.7 'Waste reduction' 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] Saved policies 3.2 'Protection of amenity' which advises that development should not harm amenity; 3.4 'Energy efficiency' which seeks to minimise energy in new development; 3.7 'Waste reduction' which advises that adequate provision should be made for recycling, waste disposal and collection; 3.12 'Quality in design' which advises that development should achieve a high quality of architectural design; 3.13 'Urban design' which advises that development should relate well to its surroundings' 5.3 'Walking and Cycling' which advises that adequate provision should be made for pedestrians and cyclists; and 5.6 'Car Park' of the Southwark Plan (2007) which advises that development should minimise the number of car parking spaces provided.

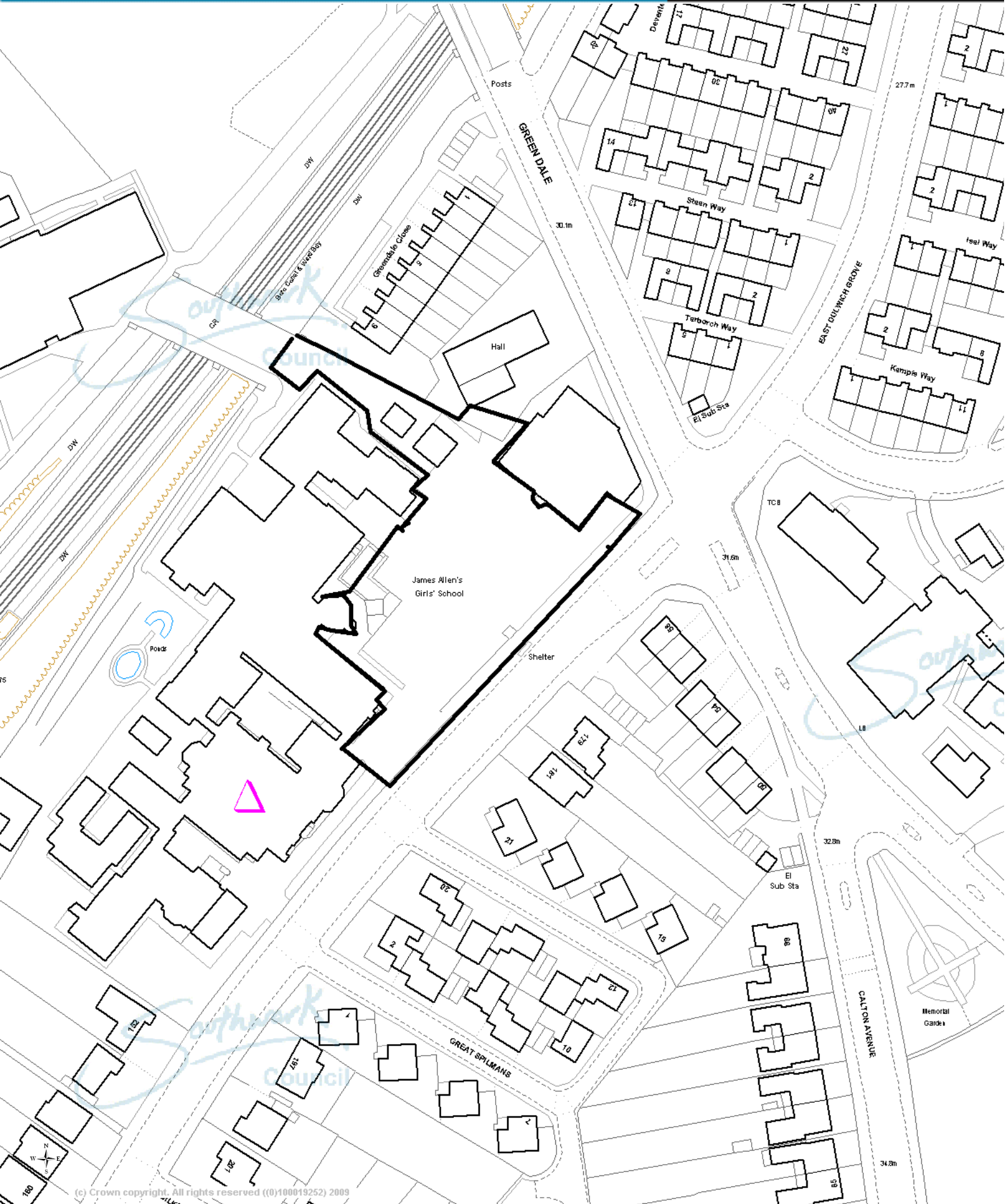
b] Residential Design Standards Supplementary Planning Document (2008)

c] PPS 3

Particular regard was had to the impact of the scheme on daylight and sunlight and the loss of privacy at nearby dwellings but it was considered that anticipated impacts would not be harmful to the extent that would warrant the refusal of planning permission. After careful consideration it was considered that the impact on daylight and sunlight would be acceptable and that the affected dwellings would still receive a good standard of daylight. The quality of residential accommodation proposed would be of a good standard and result in a positively contemporary addition to the streetscene at this part of Worlingham Road. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Ordnance Survey

Date 6/12/2010



<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
6.2	OPEN	15 December 2010	Dulwich Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 10-AP-1510 for: Full Planning Permission  <b>Address:</b> JAMES ALLEN'S GIRLS SCHOOL, 144 EAST DULWICH GROVE, LONDON, SE22 8TE  <b>Proposal:</b> Erection of 3-storey plus basement building to provide a community music centre for use by school and local community (Use Class D1).		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 15/06/2010		<b>Application Expiry Date</b> 14/09/2010	

### RECOMMENDATION

- 1 Grant, subject to conditions.

### BACKGROUND INFORMATION

- 2 This application is before Members of the Dulwich Community Council, as it is recommended for approval and more than 3 letters of objection have been received.

### Site location and description

- 3 James Allen's Girls School is located on the north-western side of East Dulwich Grove, close to the junction with Green Dale. The school has two separate sites; the main site at 144 East Dulwich Grove is for pupils aged 7-18 years and is divided into the JAGS Middle School (ages 7-11) and the Senior School (ages 11-18). The Preparatory School is for children aged 4-11. There are 1,080 pupils at the school and approximately 200 teaching and non-teaching staff, both full and part-time.
- 4 The original school block is a substantial late 19<sup>th</sup> century red brick building in the Queen Anne Revival Style, linked to a 1930s red brick Art Deco extension. There are a number of buildings behind this, a railway track, and sports pitches beyond on the rear part of the site. The preparatory school is a contemporary part 2, part 3-storey building located at the junction of East Dulwich Grove with Green Dale. The JAGS sports facilities are located behind the railway track and are accessed from Red Post Hill. The school recently purchased the Sea Cadets Hall on Green Dale which is still used by the community, and for staff parking. Opposite the site on East Dulwich Grove the buildings are predominantly two storey residential properties, and there are dwellings along Green Dale and Red Post Hill.
- 5 The site forms part of the Dulwich Village Conservation Area, the Urban Density Zone and an Air Quality Management Area. The school playing fields are designated Metropolitan Open Land.

## Details of proposal

6 Full planning permission is sought for the erection of a 3-storey plus basement building to provide a community music centre for use by the school and the local community (Use Class D1).

7 The building would be located at the front of the site between the preparatory school and the 1930s extension, and would be accessed from East Dulwich Grove. It would be built on an existing car park and part of the preparatory school playground. The building would measure a maximum of 38m wide fronting East Dulwich Grove, 37m deep and 17.5m high fronting East Dulwich Grove (when measured from basement level); there would also be a plant level at the rear of the building. The building would be constructed of brick and glazing with a part green roof, the remainder being a single-ply membrane. In terms of its massing, it would comprise a larger block containing a main auditorium and a smaller, 2-storey block containing a recital hall.

8 The proposed building would provide the following facilities:

9 Music

- 420 person concert hall;
- 100 person recital hall / rehearsal room / classroom;
- Recording studio / percussion suite.

10 Teaching

- 3 rehearsal / teaching / music therapy classrooms;
- 3 music technology computer suites;
- 26 practice rooms;
- Listening room.

11 Circulation

- Foyer;
- Kitchen / bar facility.

12 Administration

- Box office;
- Administration office / music co-ordinator's area;
- Staff office;
- Director of music's office
- JAPS (preparatory school) office;
- Music technician's room;
- Staff common room.

13 The proposed opening hours are as follows:

07:30-22:00 Monday to Friday;  
07:30-22:00 on Saturdays;  
12:00-22:00 on Sundays.

The school would seek to complete the building in 2012.

Amendments

14

The following revised / additional information has been submitted:

- Existing and proposed parking plans including a parking plan for large events have been submitted. The site of the former Sea Cadets Hall and the sports centre have been outlined in blue to demonstrate that they are within the applicant's ownership;
- An amended travel plan / event management plan has been submitted with further information included in the event management plan;
- A parking statement has been submitted;
- An amended transport statement has been submitted which corrects the proposed parking provision for general school use (this was incorrect in the first transport statement submitted) and includes additional information regarding trip generation.

### **Planning history**

- 15 There is much planning history to the site, the most recent and relevant being:

07-AP-0757 – Conversion of the pool hall to a dining hall, demolition of changing rooms and erection of a part one, part three and part four-storey extension to provide kitchen, classrooms and other ancillary accommodation. Planning permission was GRANTED in June 2007.

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

- 16 None relevant.

## **KEY ISSUES FOR CONSIDERATION**

### **Summary of main issues**

- 17 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) environmental impact assessment;
  - c) amenity;
  - d) transport;
  - e) design and impact upon the character and appearance of the Dulwich Village Conservation Area;
  - f) trees;
  - g) planning obligations;
  - h) sustainable development implications.

### **Planning policy**

#### Southwark Plan 2007 (July)

- 18 SP7 - Arts, culture and tourism  
 2.2 - Provision of new community facilities  
 2.3 - Enhancement of educational establishments

- 3.2 - Protection of amenity
- 3.3 - Sustainability assessment
- 3.4 - Energy efficiency
- 3.6 - Air quality
- 3.12 - Quality in design
- 3.13 - Urban design
- 3.15 - Conservation of the historic environment
- 3.16 - Conservation areas
- 3.18 - Setting of listed buildings, conservation areas and world heritage sites
- 3.28 - Biodiversity
- 5.2 - Transport impacts
- 5.3 - Walking and cycling
- 5.6 - Car parking

Residential Design Standards SPD (September 2008)  
 Sustainable Design and Construction SPD (February 2009)  
 Dulwich Village Conservation Area Appraisal (February 2006)  
 Sustainable Transport SPD (March 2010)

London Plan 2008 consolidated with alterations since 2004

- 19 3A.18 - Protection and enhancement of social infrastructure and community facilities
- 3A.24 - Education Facilities
- 3C.C - Sustainable transport in London
- 3D.4 - Development and promotion of arts and culture
- 4A.7 - Renewable energy
- 4B.12 - Heritage conservation

Core Strategy

- 20 The Council submitted the draft Core Strategy to the Secretary of State on 26 March 2010 and the Examination in Public hearings took place in July 2010. The Core Strategy policies should be considered as currently having no weight when determining planning applications as they are awaiting the Inspector's report and his finding of soundness. Applications should continue to be determined pending receipt of the Inspector's report primarily in accordance the saved policies in the Southwark Plan 2007 and the London Plan 2008.
- 21 The Inspector's report on the Core Strategy is expected in December 2010. With a recommendation of soundness from the inspector there will be a very high degree of certainty that the Core Strategy will be adopted and that a number of existing Southwark Plan policies will be replaced. In view of this, on publication of the inspector's report, all core strategy policies should be given significant weight in determining planning applications. Less weight should be given to existing policies which are soon to be replaced. Formal adoption of the core strategy is expected in January 2011.

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

- 22 PPS5: Planning for the Historic Environment
- PPG13: Transport
- PPG24: Planning and Noise

**Principle of development**

- 23 Policy 2.2 of the Southwark Plan 'Provision of new community facilities' states that:



- 24 Planning permission will be granted for new community facilities provided:
- i) *Provision is made to enable the facility to be used by all members of the community;*
- 25 It is intended that the music centre would be used by the school and the community, although concerns have been raised that no details have been provided as to how the community use would be secured. Whilst this is noted, the school already offers a range of services and facilities to the local community, and it is anticipated that the existing provision would continue and that the new building would enable further community use in the future.
- 26 By way of background, the school currently hosts JASSPA (James Allen's Saturday School for Performing Arts) which was established in 1993 and is used by 500 children aged 4-18 from over 80 local schools; 295 individual music lessons are taught at the school each Saturday, a choir and Big Band rehearse at the school, there is a Saturday literacy scheme attended by pupils from 11 local Southwark primary schools, local schools use the swimming pool for galas and swimming lessons, three local schools use the playing fields for no cost, and the JAGS choral society and Community Orchestra run from the site which are open to staff, parents and the local community. In addition, the JAGS sports club is used by approximately 5,000 mainly local people outside of school hours and by local state schools during the school day, and the former Sea Cadets Hall is used by the community for training courses, a youth group and an elderly persons club. Full details of the current community use of the school's facilities are detailed in a typical monthly timetable at page 92 of the Design and Access Statement.
- 27 It is intended that community access to the proposed building would be during the school day, school holidays, evenings and at weekends, and there would be a dedicated manager to oversee this. Local non-commercial groups would be able to hire spaces either free of charge or at subsidized rates, and external bookings by national organisations for professional concerts would attract commercial rates. Residents have queried the cost of hiring these facilities, but no information is available at this stage.
- 28 In terms of its detailed design, the building would be fully DDA compliant and would include a lift allowing wheelchair users to use the facilities.
- and*
- ii) the facility is not detrimental to the amenity of present and future occupiers of the surrounding area in compliance with policies 3.2 and 5.2;*
- Refer to the amenity and transport sections of this report.
- and*
- iii) where developments will generate more than 20 vehicle trips at any one time a transport assessment will be required in compliance with policies 3.3 and 5.2.*
- Refer to the transport section of this report.
- 29 Policy 2.3 of the Southwark Plan 'Enhancement of educational establishments' states that planning permission for a change of use from D class educational establishments will not be granted unless:
- i) *Similar or enhanced provision within the catchment area is secured; and*

*ii) Opportunities are taken wherever possible to ensure that provision is made to enable the facility to be used by all members of the community.*

- 30 The proposal would not involve a change of use from D class and the intended community use is set out above. It is therefore considered that there would be no conflict with policy 2.3 of the Southwark Plan.

#### Need for the proposed facility

- 31 Concerns have been raised that there is no need for the proposed facility, as there is a 300 seat theatre / performing arts building at the nearby Alleyn's School which is approximately 250m from the site on Townley Road. Whilst this is noted, policy 2.2 does not require the need for the facility to be demonstrated. This has however, been detailed within the application.
- 32 The music facilities for the school are currently spread out across the site in a piecemeal fashion, and the proposed building would house all of the school's music facilities in one place. The music department for the senior school is currently located mainly in the old sports pavilion on the northern part of the site and is not well suited for music, having been adapted from previous residential use, with limited acoustic insulation and teaching space. Several portacabins have been erected on the site to provide additional music teaching space, and the preparatory school music facilities are housed in other temporary portacabins next to the sixth form centre.
- 33 It is anticipated that the building would be used by local choirs, orchestras and ensembles, by local state schools for music lessons, events and performances, music therapy sessions and workshops, by local young people wishing to record their own music, by older people wishing to rediscover their musical talents, and by visiting professional musical ensembles. The supporting information states that many local groups including special schools, local primary and secondary schools and a London orchestra have expressed an interest in using the new facility.
- 34 For the reasons set out above, there are no objections to the principle of the proposed development in landuse terms in this location.

#### **Environmental Impact Assessment**

- 35 An objector has queried whether an Environmental Impact Assessment (EIA) has been carried out for the proposed development.
- 36 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 specify the types of development and circumstances where an EIA may be required. The Regulations are applicable to two types of development: Schedule 1 developments are where an EIA is mandatory and includes developments that would have an obvious and major impact such as power stations. Schedule 2 developments require an EIA if they are likely to give rise to significant effects on the environment by virtue of factors such as size, nature or location. With regard to this proposal Schedule 2 is relevant, under the category of 'Urban Development Project' (Schedule 2 10 (b)) on the basis that the site area exceeds 0.5 hectares (the entire school site including the playing fields measures 7.95 hectares).
- 37 A Screening Opinion was not requested prior to the submission of the application as the scheme is not Schedule 1 development. It does fall within Schedule 2, and having reference to the Schedule 2 criteria, whilst the site area of the school exceeds the initial threshold of 0.5ha, it is considered that the development is unlikely to have a significant effect upon the environment by virtue of its nature, size or location, based

upon a review of the Schedule 3 selection criteria for screening Schedule 2 Development. The site is a brownfield site in an inner London location, and is located outside of a sensitive area as per Regulation 2(1) and the development is unlikely to generate any significant environmental effects. Therefore it is the view of officers that an Environmental Impact Assessment is not required.

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

- 38 As well as policy 2.2, policy 3.2 of the Southwark Plan is relevant which seeks to ensure an acceptable standard of amenity for existing and future occupiers.

#### Impact of the proposed use

- 39 Concerns have been raised that the proposed development would result in unacceptable levels of noise, that an acoustic report submitted with the application does not consider traffic noise, and that the proposed hours of use would be too long.
- 40 The building has been designed so that the entrance would be from East Dulwich Grove, with a quadrangle formed inside the site where people could wait if necessary. East Dulwich Grove is a main road where background noise levels would generally be higher, and having the entrance from this road with the actual entrance to the building from within the site is considered to be appropriate. It is likely to prevent people from congregating on the street and would pull them into the site, away from the houses opposite and screened by the smaller recital hall. This would also allow the public to access the building without passing through the teaching areas of the school, and there would be a separate entrance point at the northern corner of the building which would provide direct access for pupils.
- 41 The acoustic report submitted with the application considers the acoustic requirements of the building to ensure that there would be no unacceptable noise nuisance to the nearest noise sensitive properties, i.e. the houses directly opposite the site on East Dulwich Grove. The report has been reviewed by the Council's Environmental Protection Team who has raised no objections subject to conditions limiting the level of any amplified sound and requiring a lobby system to be installed, to further prevent any noise escaping from the building. Following the concerns from residents that traffic noise has not been considered, the Environmental Protection Team has reviewed the application again and has advised that because the Transport Statement indicates that there would be no significant increase in traffic, traffic noise from the development would not be significant. Given the current use of this part of the site a car park, the Environmental Protection Team has advised that a contaminated land study is required and a condition to this effect is recommended.
- 42 As stated, the proposed opening hours are as follows:
- 07:30-22:00 Monday to Friday;
  - 07:30-22:00 on Saturdays;
  - 12:00-22:00 on Sundays.
- 43 Concerns have been raised that these hours would be too long, although they would broadly conform with the existing hours that the school is used. The formal school day starts at 08:30 and finishes at 15:45, although activities start at 06:30 and sometimes go on until 22:30. The hours are therefore considered to be appropriate a condition limiting them to this is recommended. It is noted that there would be a licensed bar in the building, although this would be ancillary to the principle use as a music centre and would not be open unless concerts were being held.

- 44 The greatest impact upon neighbouring residents is likely to occur when large events are being held by visiting professional organisations using the 420 seat auditorium. The school already holds around 40 concerts a year, either at the school or in other local or central London venues and these would now be held in the new building. Given that many of these are held at the school already, it is not anticipated that holding them in the new building would result in any significant loss of amenity.
- 45 The school has advised that a further four large events are likely to take place in the building by visiting organisations or community groups. These would generally be held in the evenings and would finish at 22:00, with people leaving at 22:30. It is accepted that noise levels would be higher during this period, although staff would be on hand to ensure that people leave the site quietly and efficiently, and marshalls would assist with parking. There would undoubtedly be some disruption during these events, but they would be held fairly infrequently and would have a fairly localised impact which must be weighed against the benefits to the school and the wider community in providing the proposed facility.

#### Physical impact of the proposed building

##### East Dulwich Grove

- 46 Local residents have raised concerns regarding loss of outlook, loss of privacy and light pollution, and the properties most affected would be those on the opposite side of East Dulwich Grove. There would be a separation distance of approximately 31m between the proposed building and these houses which would be sufficient to maintain an adequate outlook, and although their view would undoubtedly change, this is not a material planning consideration. All but one of existing trees at the front of the site would be retained which would provide some screening to the development and would help to soften the appearance of the building.
- 47 The proposed building would not bisect a 25 degree line taken through the centre point of the ground floor windows of the properties opposite, therefore no significant loss of light would occur. With regard to privacy, the entrance to the building from within the site would be screened by the smaller part of the building containing the recital hall. A glazed stairwell is proposed fronting East Dulwich Grove but given the 31m separation distance to the properties opposite, no significant loss of privacy would occur. It is noted that this would be well in excess of the 21m window-to-window distance recommended in the Residential Design Standards SPD to maintain privacy.
- 48 Concerning light pollution, as stated the application has been reviewed by the Environmental Protection Team who has not raised this as an issue, and there would not be a significant amount of glazing to the East Dulwich Grove elevation. A condition for details of all external lighting is however recommended, to ensure that there would be no unacceptable light spillage which could cause a nuisance to neighbouring properties.

##### 1-9 Green Dale Close

- 49 This is a terrace of 2-storey houses located to the north of the proposed building. There would be approximately 25m between the bottom of the rear garden to 9 Green Dale Close and the proposed building, which is considered to be sufficient to ensure that no significant loss of light, loss of outlook or overshadowing would occur. It would also exceed the 21m recommended in the Residential Design Standards SPD to maintain privacy, and windows in the rear elevation of the proposed building would be largely screened by the existing school buildings. Owing to this, it is also considered that no significant light pollution would occur.

- 50 There is a residential estate on the opposite side of Green Dale comprising Terboch Way, Steen Way, Deventer Crescent, Nimegan Way, Hilversum Crescent and St Barnabus Close. Green Dale is not a through-road, and terminates at St Barnabus Close and concerns have been raised regarding loss of amenity owing to additional vehicles using Green Dale and lack of parking, and this is considered in the transport section of this report.
- 51 Residents living a greater distance from the site have objected to the application and have raised concerns on the grounds of loss of amenity arising from traffic generation and the associated noise, pollution and increased demand for parking. The transport impacts of the proposal are considered in the transport section of this report although again, the Environmental Protection Team has not raised any concerns with regard to traffic noise or air quality. It is accepted that there would be some reduction in air quality during large events, but this is unlikely to be significant and would not be sufficient grounds for refusing planning permission.
- 52 Officers consider that there would not be a significant loss of amenity to neighbouring properties arising from the physical impact of the building. It is accepted that use of the building for large non-school events would cause some disruption to residents, largely relate to traffic movements and parking, and this is considered in the transport section of this report. The impacts must however, be weighed against the benefits to the school and the wider community in providing the proposed facility.

### **Traffic issues**

- 53 East Dulwich Grove is an A-category road (A2214) and the intersection with Townley Road and Green Dale is to the immediate north-east of the site. It is a signal controlled junction with pedestrian crossings on East Dulwich Grove, Townley Road and Green Dale. The site has a Public Transport Accessibility Level (PTAL) of 3 (medium) and North Dulwich train station is approximately 350m from the site on Red Post Hill.
- 54 The number 37 bus stop is immediately outside the site on East Dulwich Grove and there are keep clear markings in front of two entrance gates to the existing car park off East Dulwich Grove (an 'in' and 'out' system is operated). This provides access to the staff car park and also provides a pick-up / drop-off point for parents with parking in this area restricted by yellow hatching. Beyond this moving in a south-westerly direction towards the junction with Red Post Hill is a coach drop-off point, and there is a further gated entrance off East Dulwich Road which leads to a service yard in front of the school. There are double yellow lines around the junction with Green Dale which extend part way along this road, followed by keep clear markings outside the preparatory school.
- 55 As stated, access to the JAGS sports centre is from Red Post Hill and is shared with Charter School which is located to the west of the site. Charter School uses it for pedestrian access and servicing only, and access to the sports centre is via a security-controlled gate and is only available for JAGS pupils and JAGS sports club members.
- 56 Policy 5.2 of the Southwark Plan seeks to ensure that developments do not result in adverse highway conditions. The two main transport impacts arising from the proposal are considered to be the loss of the staff car park on the East Dulwich Grove, and traffic generation and parking demand arising from the use of the proposed building for large events.

### **Loss of existing car park**

57 Policy 5.6 of the Southwark Plan establishes maximum parking standards. There is no specific car parking standard for D1 uses as this is generally informed by a transport assessment.

#### Existing

58 There are currently 123 parking spaces on the site, comprising 56 at the sports centre, 40 where the proposed building would be located on East Dulwich Grove, 4 in front of the school, 6 in the service yard and 17 around the former Sea Cadets Hall on Green Dale. As stated, the sports centre has a secure automatic gate which is controlled with a key card system to restrict access in accordance with time, to ensure that sports centre and school uses do not overlap. Sports club users generally arrive from 06:30 and leave by 08:00 in the mornings, and arrive from 18:00 and leave by 22:30 in the evenings. Staff cars generally arrive between 07:00 and 08:30 and leave at varying times during the day, with most leaving between 16:00 and 17:00 although sometimes up to 10 cars will remain after 17:00. Deliveries to the site are irregular, with 5 on average between 06:30 and 12:00 and 4 on average between 12:00 and 17:00.

59 Concerns have been raised that the loss of 40 parking spaces to accommodate the proposed building would lead to staff parking on surrounding roads and would increase the use of Green Dale, resulting in an unacceptable loss of amenity to neighbouring residents.

60 The existing car parks on the site are for staff and visitor use only; no pupil parking is permitted. At present 55% of staff drive their own cars to the school which equates to 110 vehicles, with an additional 6% car-sharing (equating to a maximum of 12 vehicles as there could be more than two staff per vehicle). The planning agent has advised that no significant increase in staff numbers is anticipated as a result of the proposal which means that 122 parking spaces for staff are currently required and 123 are available. This indicates that parking on the site is already at capacity, although a parking survey carried out between 1st-10th September suggests that there are still spaces available:

#### On-site car parking survey:

62

Date	East Dulwich Grove park		Sports centre car park		Green Dale car park		Service yard Total	
	P	V	P	V	Informal	Periodic use	P	V
01/09/2010	42	2	9	47	17	6	68	55
02/09/2010	43	1	21	35	16	6	80	43
03/09/2010	44	0	29	27	17	6	90	33
06/09/2010	44	0	26	30	16	6	86	37
07/09/2010	44	0	26	30	16	6	86	37
08/09/201	44	0	26	30	17	6	87	36
09/09/201	43	1	26	30	17	6	86	37
10/09/2010	42	2	26	30	17	6	85	38

A survey of on-street parking has also been undertaken:

#### On-street parking survey:

63

Date	Green Dale		Gilkes (north)	
	On-road	Vacant	On road	Vacant
27/08/2010			12	6
31/08/2010			10	8

01/09/2010	17	3	7	11
02/09/2010	17	3	12	6
03/09/2010	17	3	12	6
06/09/2010	16	4	18	0
07/09/2010	16	4	17	1
08/09/2010	11	9	18	0
09/09/2010	14	6	18	0
10/09/2010	15	5	17	1

### Proposed parking

64 If the development were to go ahead there would be 103 parking spaces on the site comprising 56 in the sports centre, 37 at the Sea Cadets Hall on Green Dale, 4 in front of the school and 6 in the service yard. The additional spaces at the Sea Cadets Hall would be provided further into the school site and are shown as spaces 1-13 on drawing number 256\_1041 Revision A. Concerns have been raised that the layout of these spaces is inaccessible and that not all of them could be used, although the Transport Planning Team has advised that they would be acceptable and swept paths have been requested.

65 As stated, a present 55% of staff drive their own cars to the school (110 vehicles) and 6% car-share (12 vehicles) meaning that 122 spaces are required and there would only be 103 as a result of the proposed development. The shortfall of 19 spaces is not considered to be significant however, when combined with measures aimed at reducing car use, better management of on-site parking and in light of the findings of the parking survey recently carried out on the site. The Transport Planning Team has recommended a condition requiring a parking strategy to be submitted for approval, which must include that staff be allocated particular parking areas within the site in order to prevent them from parking on-street should parking in their preferred area be unavailable. A condition requiring all of the additional spaces to be provided before work on site commences is also recommended, and officers consider that these measures would help to minimise any loss of amenity to residents living in the houses off Green Dale.

66 Concerns have been raised that the parking information is inaccurate as the Sea Cadets Hall is already used for parking and cannot be considered as additional provision. This is however addressed in the submission, which includes 17 informal parking spaces in this area as part of the existing on-site parking provision.

67 Access to the parking would be from Green Dale or Red Post Hill, and would be via a swipe card and by permit only; the spaces in front of the school and in the service yard would be accessed from East Dulwich Grove as existing. Residents have raised concerns regarding traffic using Green Dale, but given the existing traffic flows at the junction with East Dulwich Grove an additional 20 vehicles using Green Dale is not considered to be significant and the Transport Planning Team has advised that this would represent only a 2% increase.

### **Event Management**

68 As stated, major events are defined in the application as those which would attract an audience of 400 plus people, plus associated performers and staff not associated with the activities of the school. It is expected that there would be four such events per year, plus three school concerts which are currently held at St Barnabus Church which is 450m away on Calton Avenue. The school already puts on around 40 concerts and musical events per year, and would continue with its current musical activities which would be relocated into the new building.

69 The school would use the auditorium throughout the school day for assemblies,

teaching and rehearsals, and would be used by community groups for rehearsal or recording during the evening and out of term time. Although greater community use is anticipated, given that this would be outside of school hours no significant adverse transport impacts are anticipated.

- 70 118 parking spaces would be available when large events are taking place comprising 56 spaces at the sports centre, 24 at Green Dale, 28 on the preparatory school playground (accessed via Green Dale), 4 in front of the school and 6 in the service yard at the front of the school. An additional 30 overflow spaces would be available on a tarmac area next to the school tennis courts near to the sports centre, and of the 118 spaces, 100 would be for audience parking, 3 would be disabled spaces and 15 would be for staff and performers.
- 71 Audience parking would be via Green Dale and Red Post Hill and concerns have been raised that this would result in a loss of amenity to residents living on these roads. In order to manage this process and minimise disruption, a team of staff and volunteers would direct traffic at the main school entrance, the entrance to the Green Dale car park, the link between the car park and the main school site, and in the preparatory playground that would be used for parking on these occasions. A team of wardens would be on duty at the same locations before and after events to assist with parking arrangements. Priority would be given to audience over sports centre users during these events and this would be managed by the school and sports centre users given advance warning. Arrangements have also been made with Alleyn's School to accommodate overflow parking on their on-site car parks if required, and the school would undertake a review after each event to consider how the arrangements worked and whether any changes would be required.
- 72 Trip generation information has been submitted with the application which indicates that large events held in the building would result in 45 vehicles travelling to the site, and there would be ample space to accommodate these on site. In reality this figure may be a little higher, but even if it were to double, there would still be sufficient space on site to accommodate all the vehicles. To that end, the Transport Planning Team are satisfied that there would be no adverse impact on the surrounding highway network during such events.
- 73 The following steps are also proposed to manage the transport impacts of holding large events in the building:
- No other significant activity would be organised on the site;
  - Arrangements would be made to ensure that there would be no clash with a major event at Allen's School;
  - Marketing of the public transport facilities near to the site and sending travel information out with tickets;
  - There is the potential for offering a discount on tickets for those using public transport to travel to concerts;
  - Marshalls on duty to ensure no illegal parking;
  - Start and finish times calculated to minimise impact on local traffic patterns;
  - Encouraging car-sharing.
- 74 Officers note that it is proposed to charge people for parking on the school site during these events, but there are concerns that this would simply encourage people to park on-street instead. The school has been advised that this would not be acceptable to officers and have agreed not to implement a charging regime.
- 75 Monitoring of how people travelled to and from the site during large events would be undertaken (postcode monitoring) and would be fed back into the school travel plan. A review of how the parking arrangements worked would also be undertaken and



changes made where necessary, and the next review and surveys of the travel plan are due to take place in summer 2012.

- 76 Policy 5.3 of the Southwark Plan seeks to ensure that developments adequately cater for the needs of pedestrians and cyclists.
- 77 There are currently 44 on-site cycle parking spaces to serve the school and a further 14 at the sports centre. There is no specific cycle parking standard for D1 uses in the Southwark Plan. No additional cycle parking is proposed to serve the building and this has been reviewed by the Council's Transport Planning Team and is found to be acceptable, as the existing provision would be sufficient to accommodate cycles connected with the out of school hours use of the proposed building. It is also noted that there is ample space on the school site to provide additional cycle parking should it be deemed necessary in the future.
- 78 The proposed development could result in some overspill parking by staff on the neighbouring streets, although officers do not consider that this would be significant when combined with measures to reduce staff travel by car and better management of the on-site parking areas. There is no doubt that there would be some disruption and loss of amenity to residents living on the streets immediately surrounding the site during large events, although there would only be approximately seven per year, three of which would be school concerts relocated from St Barnabus Church, and measures would be put in place to minimise disruption. The impacts would be fairly localised, and the proposed facility would benefit the school, other local schools and the wider community, and it is in this context and given the views of the Transport Planning Team that officers consider on balance, the transport impacts of the proposal would be acceptable.

### **Design and impact upon the character and appearance of the Dulwich Village Conservation Area**

- 79 Policies 3.12 and 3.13 of the Southwark Plan seek to ensure that developments achieve a high standard of architectural and urban design; 3.16 seeks to preserve or enhance the character or appearance of conservation areas and 3.18 requires developments to preserve or enhance the setting of listed buildings, conservation areas and world heritage sites.
- 80 The Dulwich Village Conservation Area was extended to include the school in March 2005 (sub-area 4), although it is noted that the preparatory school was not included. The 19<sup>th</sup> century original school building and 1930s extension are identified in the Conservation Area Appraisal as making a positive contribution to the conservation area and being prominent landmarks.
- 81 The 19<sup>th</sup> century school building is two storeys, with attic level accommodation set within a hipped roof. Red brick is the predominant walling material which has been broken down with stone banding courses and the roof line is articulated with tall chimneys, typical of the period. Whilst the architectural detailing of the Art Deco block is obviously different, there are common characteristics between the two buildings; the walling material is red brick which again has been enriched with stone detailing and in both buildings the horizontal emphasis of the windows has been broken up with strong vertical visual elements. The 1930s extension is set back from the 19<sup>th</sup> century building and whilst the parapet aligns with the eaves of the original block, the extension is appropriately subservient.

### **Policy 3.13 'Urban design'**

- 82 The Design and Access Statement submitted with the application includes an analysis of the school site explaining why the car park off East Dulwich Grove was considered to be the most appropriate location for the proposed building. It explains that land on the northern part of the site was rejected because it is Metropolitan Open Land and a building in this location would be contrary to policy 2.5 of the Southwark Plan (Metropolitan open land). A second undeveloped area is the school botany gardens located at the rear of the school buildings. These gardens have been noted by English Heritage and again it is unlikely that planning permission would be granted for development in this area. The site of a number of existing portacabins would have created a massing that would result in a significant loss of amenity to houses on Green Dale Close and was therefore found to be unsuitable.
- 83 It was considered that the chosen site could accommodate a building with a massing that would be in context with the original school buildings, and offer a "public front appropriate to its public performances and community events" without requiring members of the public to walk through teaching areas. The building height would be responsive to the prevailing height of the surrounding buildings on the site and the building line would respond to the set back of the main building from the road and the position of the preparatory school.

### **Elevation to East Dulwich Grove**

- 84 The internal orientation of the proposed auditorium, with its raked seating at its highest point to the south east falling towards the stage and classrooms to the north west, would create an almost 'back of house' appearance to the East Dulwich Grove elevation, and the large expanses of blank wall with a translucent glass window to break up the mass would display only limited activity to the street. The opening-up of the glazed stairway to this elevation would help to give some interaction with the street, however, given the emphasis on using the building as a resource within the local community, it is felt that an entrance and some greater perceived level of daily activity onto this elevation would be important in helping the building to relate more positively to the streetscape. It is noted however, that there are amenity and pupil safety benefits in having the main entrance to the building from within the site.

### **The Quad**

- 85 The building would create a quadrangle between it and the 1939 'L' shaped extension. However, it would include a smaller recital hall and classrooms that would protrude into the space and mask views into the site from East Dulwich Grove. The 2-storey element would sit awkwardly within the rectangular 'urban room' and would appear as a separate element, almost as an afterthought to the overall design. Officers are again mindful however, of the amenity and pupil safety benefits of this arrangement.
- 86 The use of articulated brick coursing, recessed lines, solid coursing and lines of brick louvers would give the building a level of interest and expression, and despite the reservations expressed above, it is considered that if executed carefully, particularly the attention to the choice of brick, bond, pointing and detail, the overall design of the building would be redeemed by such attention to detail. Conditions requiring samples of all facing materials and large-scale window details to be submitted for approval, and preventing the glazing to the East Dulwich Grove elevation from being used for advertisements or other displays are recommended, together with a condition requiring details of all plant to be mounted at roof level to be submitted for approval before work commences.

### **Policy 3.16 Conservation areas**

- 87 The predominant brick material of significant buildings in the area would be emulated, and the bulk and scale of the proposed building is considered to be acceptable and would not unduly affect the residential character of the area. It would be well contained within the school site and subject to a high quality finish which could be secured through planning conditions, it is the view of officers that the character and appearance of this part of the Dulwich Village Conservation Area would be preserved.
- 88 Policy HE7.5 of PPS5 refers to "the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use". As set out above the scale, height, massing, alignment and materials of the proposed development are considered to be acceptable.
- 90 Whilst there are some concerns regarding the East Dulwich Grove facade and the smaller recital hall, subject to a high quality finish which could be secured through planning conditions, it is the view of officers that the proposal would be of an acceptable design which would preserve the character and appearance of this part of the Dulwich Village Conservation Area.

### **Impact on trees**

- 91 An Arboricultural Impact Assessment has been submitted with the application. This has been reviewed by the Council's Arboricultural Officer who has advised that it provides appropriate information on the development constraints, tree losses and tree retention, together with protection measures.
- 92 The proposal would result in the loss of one semi-mature Norway Maple from the site, and a landscaping condition including a requirement for a suitable replacement tree is recommended, together with conditions to ensure that the retained trees would be protected during the course of construction. Appropriate landscaping around the building would help it to assimilate into the streetscene, would improve the biodiversity of the site and would assist with sustainable drainage.

### **Planning obligations (S.106 undertaking or agreement)**

- 93 Policy 2.5 of the Southwark Plan states that the Council will seek to enter into planning obligations to avoid or mitigate the adverse impacts of development which cannot otherwise be adequately addressed through conditions; further guidance is contained within the Section 106 planning obligations SPD.
- 94 Planning obligations are generally only required for developments creating 10 or more residential units, or 1,000sqm or more of office or retail space. However, this does not preclude the Council from seeking contributions or requiring certain works to be undertaken to off-set the specific impacts of any development if it cannot be addressed by a condition.
- 95 Officers have considered whether a contribution towards improvements to the junction of East Dulwich Grove with Townley Road and Green Dale could be secured through the application. Concerns have been raised that the proposal would increase traffic in the area and would be harmful to highway safety. However, the Transport Planning Team has reviewed information relating to traffic flows at the junction and do not consider that the proposal would significantly add to this, certainly not to an extent that would be harmful to highway safety. It is not therefore possible to request a s106 contribution in this instance, as it could only be sought if it were required in order to make the development acceptable in planning terms.

### **Sustainable development implications**

- 96 Policy 3.3 of the Southwark Plan requires all planning applications for major developments to be accompanied by a sustainability assessment, demonstrating that the economic, environmental and social impacts of the proposals have been addressed. A sustainability questionnaire has been submitted detailing how the proposal would address the Council's sustainability assessment checklist and no objections are raised in this regard.
- 97 Policy 3.4 of the Southwark Plan 'Energy efficiency requires major developments to provide an assessment of the energy demand of the proposed development. A BREEAM pre-assessment has been submitted which indicates that a rating of 'very good' would be achieved and it is recommended that this be secured by way of a condition.
- 98 Policy 4A.7 of the London Plan requires developments to achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation (which can include sources of decentralised renewable energy), unless it can be demonstrated that such provision is not feasible.
- 99 An energy statement has been submitted with the application which states that through a combination of passive design measures, energy efficiency and the use of ground source heat pumps, carbon dioxide emissions would be reduced by 40% and again, a condition to secure this is recommended.

#### **Other matters**

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

#### **Conclusion on planning issues**

- 101 There are no objections to the principle of the proposed development in this location. It is accepted that there would be some disruption and loss of amenity to neighbouring residents when large events would be held, but officers are satisfied that the impact would be fairly localised, could be adequately monitored and managed, and would not outweigh the benefits to the pupils at the school and the local community that would arise from the proposed development. There is likely to be some overspill parking from staff as a result of the loss of the East Dulwich Grove car park, but officers do not consider that this would have a significant adverse impact on the surrounding highway. Subject to a high quality finish which could be secured through planning conditions, officers are satisfied that the character and appearance of this part of the Dulwich Village Conservation Area would be preserved. There would be no unacceptable loss of trees on the site and the building would be sustainable in achieving a BREEAM rating of 'very good' and reducing carbon dioxide emissions by 40%. For these reasons, on balance, it is considered that planning permission should be granted.

#### **Community impact statement**

- 102 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**

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

### **Consultation replies**

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

#### Summary of consultation responses

105 Two representations have been received supporting the application for the following reasons:

- The proposal would strengthen the link between the school and the local community;
- It would enrich the cultural infrastructure of the area;
- Most of the displaced parking spaces would be re-provided;
- Most residents in the area have off-street parking;
- The on-street parking situation in the area is not too challenging;
- It would be a good local resource but more information is required regarding the proposed community use.

106 23 representations have been received objecting to the application on the following grounds:

- More information is required regarding the extent of community use;
- Design out of keeping, the building would be too large and harmful to the character and appearance of the conservation area;
- Loss of outlook;
- Overlooking and loss of privacy;
- Increased noise and light pollution;
- Loss of existing parking;
- Lack of parking to serve the proposed facility;
- There should not be a charge to park on the site as this would encourage people to park on-street;
- The Police, The Dulwich Society and the Dulwich Estate have not been consulted on the application (response - officers do not consider that the proposal would increase crime in the area. The Dulwich Society has commented on the application and any consent required from the Dulwich Estate is a separate process and cannot be considered as part of this application);
- The noise survey submitted is inadequate as it does not consider traffic noise;
- Inadequate Transport Assessment which does not consider 'rat-running' along local roads;
- A coach drop-off / pick up facility should be provided through a section 106 agreement;
- Loss of existing drop-off / pick up facility (response - this facility would remain, and would be extended to the turning area next to the proposed building);
- The building would be too close to neighbouring houses;
- Traffic generation;
- Loss of trees;
- Noise and dirt during construction (response - this is not a material planning consideration);
- Query regarding the intention for the scouts hut site on Green Dale; (response - the Sea Cadet Hall on Green Dale would be retained and the parking spaces around it rationalized);
- There is no need for the facility as there is a similar facility at Alleyn's School near

- to the site;
- Query as to why the existing music block cannot be refurbished;
- Lack of consultation with neighbours;
- The proposed hours of use would be too long;
- Queries whether an Environmental Impact Assessment has been carried out;
- The proposal would create an unsafe highway situation on Green Dale;
- Loss of view (response - this is not a material planning consideration);
- Harm to highway safety, including pedestrians and cyclists;
- The school has a poor record of dealing with traffic problems;
- Green Dale is residential and has a cycle lane along it, and is not suitable for additional traffic;
- Overdevelopment;
- Request no early morning or weekend deliveries owing to disturbance to neighbours;
- The proposed building would not be ecological.

### **Human rights implications**

- 107 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.
- 108 This application has the legitimate aim of providing a school and community music facility. 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.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2120-C Application file: 10-AP-1510 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: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5410 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management
<b>Report Author</b>	Victoria Lewis, Senior Planning Officer
<b>Version</b>	Final
<b>Dated</b>	29 November 2010
<b>Key Decision</b>	No

**CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER**

<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	Yes	Yes
Strategic Director of Environment and Housing	Yes	Yes
<b>Date final report sent to Constitutional / Scrutiny Team</b>	6 December 2010	

**Consultation undertaken**

**Site notice date:** 29/06/2010

**Press notice date:** 24/06/2010

**Case officer site visit date:** 29/06/2010

**Neighbour consultation letters sent:** 24/06/2010

**Internal services consulted:**

Environmental Protection Team  
Transport Planning  
Aboricultural Officer  
Planning Policy Team

**South Camberwell Ward Councillors (notified on 4th November 2010):**

Cllr Peter John  
Cllr Stephen Govier  
Cllr Veronica Ward

**Statutory and non-statutory organisations consulted:**

Transport for London  
English Heritage  
The Dulwich Society

**Neighbours and local groups consulted:** Notification letters have been sent to properties on Kingsthorpe Road, Nimegan Way, Calton Avenue, Gilkes Crescent, Dulwich Village, Village Way, Pond Mead, Red Post Hill, Green Dale, Deventer Crescent, East Dulwich Grove, Hilversom Crescent, Delft Way, Green Dale Close, Steen Way, Hillsboro Road, Arnhem Way, Isel Way, Great Spilmans, Townley Road, Kempis Way, Ardbeg Road, Velde Way, Terborch Way, Beckwith Road, St Barnabus Close and Half Moon Lane.

**Re-consultation:** The same properties and those who commented on the application were advised of the additional transport information received and allowed a further 14 days to comment.



## Consultation responses received

### Internal services

#### Environmental Protection Team

29th October 2010

1) The Environmental Protection Team reports no objection to the proposal. This department will require a contaminated land condition for testing of soil to apply if the excavated soil is to be reused for soft landscaping or open areas. Further conditions limiting noise from amplified sound, provision of a lobby system to prevent noise escaping from the building and limiting plant noise are recommended.

2) The traffic report indicated a minimal increase in traffic level therefore increased traffic noise would be dependant on whether the Transport Planning Team agree with this assertion.

3) With regard to hours of operation, provided the proposal meets the noise and nuisance criteria as specified, the hours of use could be flexible. However, owing to the character of the area events should be limited to 23:00. There are no firm guidelines on this matter.

#### Transport Planning

12th August 2010

1) The existing site has pedestrian and vehicular access from East Dulwich Grove and the Jags sports centre has access from Red Post Hill. The School currently has an in and out vehicular access/egress on East Dulwich Grove.

#### 2) Cycle storage

##### **Policy 5.3 (Cycle Storage)**

No further cycle storage has been provided in connection with the development of the music centre. The Transport Assessment (TA) states that for out of school hours uses, the schools existing cycle parking facilities can be used. There are 32 covered cycle parking spaces and twenty six uncovered cycle parking spaces, and this level of cycle parking would sufficiently accommodate cycles connected with the out of school hours use of the proposed music centre.

#### 3) Car Parking

##### **Policy 5.6 (Car Parking )**

This part of the borough is not covered by a CPZ. As such, the Council cannot control any overspill parking. The Transport DC team has concerns regarding the loss of the 40 parking spaces in the main parking area. The TA states that displaced vehicles can be parked elsewhere on site but we do not believe these vehicles can be parked elsewhere on site during school operational hours. Car park surveys are needed to quantify the statements made in the TA regarding car parking on other parts of the site. The surveys should show the current operation of the car parks and include car park capacity once the displaced vehicles from the main car park have been added. The surveys should interrogate the possibility of overlap in parking demand around the site by teachers and the public, especially in the sports centre car park.

4) According to the TA there are 104 parking spaces on site:

**Main car park** 40 (these will be lost in association with the above application)

**Front of school** 4 (these will be converted to 4 disabled spaces in association with the above application)

**Sports centre** 54 (there is likely to be some over lap in parking demand between morning sport centre users and arriving teachers, and in the evening between teachers and arriving sport centre users)

**Service yard** 6 (these spaces are reserved for visitors and disabled and service vehicles)

5) When considering the above information we believe the displaced vehicles will be parked on the surrounding highway network. The surrounding highway network is currently operating at close to on-street parking capacity. No information has been submitted regarding the current on street stress levels and the impact of overspill vehicles.

6) The TA states that a parking management plan will be submitted, however there are no details of one in the above application and given above issues, a parking management strategy will be needed at application stage.

#### 7) Disabled parking

##### **Policy 5.7 (Parking for Disabled and the Mobility Impaired)**

Four disabled parking spaces have been located within a convenient proximity to the proposed music block

#### 8) Trip generation / highway impacts

9) Sites have been extracted from the TRAVL trip generation data base for trip generation estimation, however the details of the sites used have not been included. With no details of the sites used to estimate trip generation, there is no way of ascertaining if the trip generation is accurate, as the sites' compatibility cannot be assessed.

10) As the school currently has history of hosting performances, we suggest that travel surveys are carried out at these performances. These surveys will give an accurate estimation of trip generation in association with the proposed development. It would be highly unlikely that audience, students and teacher travel patterns would change due to the above application, however a robust travel plan could generate a modal shift toward sustainable modes of transport.

11) The surrounding highway network has the ability to accommodate any traffic movements associated with the out of hours use of the music centre, but it does *not* have the ability to accommodate parked vehicles arising from associated traffic movements.

#### 12) Travel Plan

##### **13) Targets**

Appropriate targets have been set in section 6.1 of the travel plan for reducing single occupancy car use and increasing the use of sustainable modes to the school site for staff and pupils. Projected modal split figures are identified for the major events, based on TRAVL data. Once the development is in place, baseline modal split data needs to be obtained for the major events, and targets set accordingly.

##### **14) Travel Plan Co-ordinator**

There needs to be a named individual who will have responsibility for monitoring the travel plan and the targets related to both the school and the major events in the JACMC; it must be acknowledged that this individual has responsibility for both of these; or alternatively separate coordinators for the school and the events identified.

**15) Monitoring**

Section 6.2 in the travel plan states that monitoring will include 'close scrutiny of patterns of transport used by those attending events in the JACMC' This needs to be quantified further- exactly how will these patterns be recorded and monitored?

**16) Site organization and event planning** (Section 4 of 'Event Management Plan')

- This section does not go far enough to show how the school will manage the vehicles accessing the site for these events.
- Please list the quantities of each type of parking that will be provided for users of the major events, under the following headings: cycle parking, on-site car parking, audience parking, disabled parking, staff and performer parking, overflow parking.
- How will the school ensure that users accessing the development by car will not detrimentally impact upon residential streets in terms of parking; what measures will be put in place to deter and restrict users from parking on-street?
- What will the cost of on-site car parking be? How will this be used to manage car restraint?
- Marketing of public transport access to the site to event attendees is welcomed; this should also be accompanied by walking and cycling information to encourage use of these modes
- Will current cycle parking capacity be enhanced by temporary secure cycle parking provision for these major events? If so this needs to be marketed to attendees to enhance use.

**17) Review** (Section 5 of 'Event Management Plan')

How will the feedback following each event be fed back into the management of the venue for major events?

**18) At present we object to the above proposal for the following reasons:**

- Insufficient information has been submitted to suggest that the displaced vehicles from the main car park can and will be accommodated else were on the site and not on the surrounding highway network (which is currently operating at on-street parking capacity).
- There is no way of guaranteeing the trip rates taken from the TRAVL data base are suitable for this development.
- The travel plan has not addressed key details relating to management of vehicles during out of school hours use of the proposed music centre

14th October 2010 (following receipt of amended / additional transport information):

19) We are content that during large concerts the site has sufficient space to accommodate all associated vehicles. The use of designated overspill parking areas within the site (tennis courts area, hatched area between buildings), plus the adjoining sea cadets car park and sports centre parking area will provide ample on site parking and eliminate the need for on street parking in association with this section of the application.

20) There are concerns regarding the daily use of the parking areas and the displacement of the 40 parking spaces associated with the proposed development. These concerns relate to teachers searching for a parking space in their "favoured " parking area, find that it is already parked, and result to parking there vehicle on street in an immediate proximity. This issue can be mitigated within the parking strategy by assigning teachers specific parking areas. In doing this teachers will have a designated parking area, not a favoured parking area, the parking areas are more

stringently managed and the possibility of on street parking will be reduced.

21) Provided these measures are undertaken, we do not believe the application will generate a significant negative impact on the performance and safety of the surrounding highway network.

#### Arboricultural Officer

The Arboricultural Impact Assessment provides appropriate information on constraints, tree losses and retention together with protection measures based on a survey which conforms to BS 5837 Trees in relation to development. Boundary and high quality trees are to be retained. No damage due to demolition or construction should be apparent if all the recommendations within the method statement are included within conditions. This is especially important in relation to surfacing and protection from soil compaction as noted.

The development will however result in a semi-mature tree. Landscaping should provide for suitable replacement as described in the SPD on Sustainable Design and Construction (adopted February 2009) which includes detailed guidance on protecting and enhancing trees. This includes:

- Adapting to climate change: which includes landscaping to reduce heat island effect.
- Biodiversity: which outlines duties on landowners to protect habitat, including trees. It includes guidance and standards for protecting trees on development sites and ensuring the design of new development is sensitive to new trees
- A checklist for producing a tree report, which must be submitted when trees are near or on a development site

"Retention of existing trees can add maturity to a new development and well planned, designed and maintained new planting can greatly enhance its visual quality and character. Southwark Council expects developers to refer to BS5837: 2005. Tree surveys, protection plans and arboricultural impact assessments should be provided before planning consent is given. Where trees of lesser quality or those with a reduced potential for retention have been identified, replacement planting will be stipulated as part of landscaping plans. For example, for every large tree above 30cm stem diameter there should be five medium sized trees of 15-25cm diameter provided." The loss of the 15cm diameter tree would reasonably presume replacement with at least five trees of 7-10cm diameter (22-30cm girth).

#### Planning Policy Team

No response received at the time of writing.

#### **Statutory and non-statutory organisations**

##### Transport for London

1. The application site is located on neither the Transport for London Road Network (TLRN) nor the Strategic Road Network (SRN).
2. The level of cycle parking provision proposed is considered acceptable.
3. TfL considers that any increase in parking provision on site compare with the existing development would be undesirable; as this would increase vehicular trips in the area. It is also noted that a number of spaces would be provided at the

playground, as suggested by the applicant. It is requested that the Local Authority to impose appropriate planning condition to control the use playground for the purpose of parking.

In conclusion, TfL does not consider that the proposal as it stands would result in an unacceptable impact to the TLRN or the SRN.

### English Heritage

This application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

### The Dulwich Society

In general terms, the Dulwich Society consider that the scheme will make a positive contribution to the visual amenity of East Dulwich Grove and provide a range of new music facilities which will have significant benefits to music teaching and musical activities in the Dulwich area and the wider community.

The emphasis on the scheme being a Community facility is a welcome part of the purpose of the new building.

Positive aspects of the scheme are seen as :-

- A modern building with well composed elevations.
- The use of brick as a facing material.
- Main parking re-located off Green Dale and a provision for event parking.
- Landscaping between the new building and East Dulwich Grove.
- Formation of a pedestrian quad around the 1939 extension.
- Improving the link to the sports facilities and playing fields.
- Green considerations, such as, the green roofs, ground source heating, and passive thermal, acoustic and ventilation design.

Aspects of the scheme that the Dulwich Society would like more consideration to be given to :-

- An alternative to the use of stack bond. The vertical emphasis contradicts the move to reduce the bulk of the building. A horizontal bond is preferred in this context.
- The choice of brick type. Consider bricks other than those already on the site along with the type of pointing.
- Provision of photovoltaic panels to generate electricity, use of solar water heating panels and rainwater harvesting.
- Careful detailing of the top of brick elevations, window openings, etc. not necessarily limited to references of earlier buildings.

Alastair Hanton, Chair of the Dulwich Society's Traffic and Transport Committee has the following comments :-

"Transport considerations : JAGS proposed Community Music Centre

General comments on traffic aspects

The school has a travel plan which aims to encourage pupils, staff and visitors to get to the school by public transport, walking and cycling. These arrangements will apply to the use of the Music Centre for activities normally undertaken by the school.

Major events not associated with the activities of the school will be limited to four per year, with well defined arrangements to control traffic and parking and finishing by 10.30 p.m.

There will inevitably be some use of local streets for car parking. However, the school's travel plan makes every effort to minimise car journeys to the school (including the proposed Music Centre).

The travel plan has been prepared in consultation with the Dulwich Safe Routes to School Group, which brings together staff, parents, ward councillors and community representatives from local schools. The group is dedicated to minimising car journeys to the schools. The JAGS travel plan has been approved by Southwark Council.

The biggest traffic aspect of the school is the daily travel to and from the school by the 1,200 pupils and 200 staff.

Our further comments are as follows:-

1. School catchment area About 40% of pupils and 33% of staff live in SE 5, 21, 22 and 24, i.e. broadly walkable and cycleable distance from the school. About these proportions travel by public transport, walking and cycling. In fact, significant numbers from these neighbouring postal districts come by car, balanced by numbers from further afield travelling by public transport, walking and cycling.

The school strives to reduce car journeys, including by:

- (a) presentations on travel to new parents' meetings;
- (b) helping parents swap addresses to facilitate lift sharing; and
- (c) promotion of Walk to School Week each May.

2. Statistics:

Pupils

	2002 (%)	2010 (%)	2012 (target)
Coaches	24	28	30
Walking	21	21	23
Cycling	1	3	4

Staff

	2002 (%)	2010 (%)	2012 (target)
Single car	62	55	50
Lift	3	6	6
Walking	18	21	17

Cycling	2	6	7
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3. The 2004 Groundwork project. The school led on a project for pupils and families to plot their routes to school on on-screen maps and for the routes then to be aggregated for analysis by means of a computer programme from Groundwork. The school supports a repetition of this exercise.

4. The Dulwich Society's proposal for a Dulwich walking and cycling network. The school is in full support. It will join us in pressing for implementation of the proposals for changes at the junction of Calton Avenue and Dulwich Village which were supported during public consultation but have not yet been implemented.

5. Cycle parking The school recognises the importance of secure and convenient cycle parking, both for its direct usefulness and for the message of support for cycling which it sends. The school intends to install more cycle parking in positions where it is visually prominent.

6. Dulwich Schools Coach Service. This joint arrangement between the local schools is intended to reduce individual car journeys. The coach company is contractually committed to good practice to reduce local impact, including not running engines and air conditioning while parked. The school joins in the enforcement of this commitment.

7. The School Sports Centre. This is used by local people as well as the school. It strongly promotes travel by walking and cycling and is installing more cycle parking.

8. Road Safety The principal risks are on East Dulwich Grove, right outside the school. The school would like the adjoining 20 mph zone extended to include East Dulwich Grove, and will urge this on the Ward councillors. They will also press the local police to enforce the existing 30 mph limit.

### Conclusion

The school is fully seized of the need to minimise pollution, congestion and nuisance from car traffic to and from the school and the proposed Music Centre. It is taking action to promote alternative means of travel, and is willing to join with the Society in action to this end. Specifically, the school:

- (a) supports the Society's walking and cycling network;
- (b) will press for speed restraint on East Dulwich Grove;
- (c) will press for safety improvements in the centre of the Village; and
- (d) will continue to seek to reduce the proportions of pupils and staff driving to school, including a repetition of Groundwork's 2004 mapping exercise.

It would be helpful for these intentions to be formally recorded during the Planning Consent process.

On this basis, traffic considerations should not stand in the way of the Music Centre proposal."

Two further considerations would be for JAGS to hold a public meeting to show local residents the new scheme, answer question and listen to what local residents have to say and, in line with other school's such as Dulwich College, to give prior notice to all local residents before major events by a leaflet drop.

### **Neighbours and local groups**

Two representations have been received supporting the application for the following reasons:

- The proposal would strengthen the link between the school and the local community;
- It would enrich the cultural infrastructure of the area;
- Most of the displaced parking spaces would be re-provided;
- Most residents in the area have off-street parking;
- The on-street parking situation in the area is not too challenging;
- It would be a good local resource but more information is required regarding the proposed community use.

23 representations have been received objecting to the application on the following grounds:

- More information is required regarding the extent of community use;
- Design out of keeping, the building would be too large and harmful to the character and appearance of the conservation area;
- Loss of outlook;
- Overlooking and loss of privacy;
- Increased noise and light pollution;
- Loss of existing parking;
- Lack of parking to serve the proposed facility;
- There should not be a charge to park on the site as this would encourage people to park on-street;
- The Police, The Dulwich Society and the Dulwich Estate have not been consulted on the application (response - officers do not consider that the proposal would increase crime in the area. The Dulwich Society has commented on the application and any consent required from the Dulwich Estate is a separate process and cannot be considered as part of this application);
- The noise survey submitted is inadequate as it does not consider traffic noise;
- Inadequate Transport Assessment which does not consider 'rat-running' along local roads;
- A coach drop-off / pick up facility should be provided through a section 106 agreement;
- Loss of existing drop-off / pick up facility (response - this facility would remain, and would be extended to the turning area next to the proposed building);
- The building would be too close to neighbouring houses;
- Traffic generation;
- Loss of trees;
- Noise and dirt during construction (response - this is not a material planning consideration);
- Query regarding the intention for the scouts hut site on Green Dale; (response - the Sea Cadet Hall on Green Dale would be retained and the parking spaces around it rationalized);
- There is no need for the facility as there is a similar facility at Alleyn's School near to the site;
- Query as to why the existing music block cannot be refurbished;
- Lack of consultation with neighbours;
- The proposed hours of use would be too long;
- Queries whether an Environmental Impact Assessment has been carried out;
- The proposal would create an unsafe highway situation on Green Dale;
- Loss of view (response - this is not a material planning consideration);
- Harm to highway safety, including pedestrians and cyclists;



- The school has a poor record of dealing with traffic problems;
- Green Dale is residential and has a cycle lane along it, and is not suitable for additional traffic;
- Overdevelopment;
- Request no early morning or weekend deliveries owing to disturbance to neighbours;

### Re-consultation

Following the receipt of additional transport information the same residents and anyone who commented on the application were re-consulted and given an additional 14 days to comment. A further seven representations have been received objecting to the proposal on the following grounds:

- A green area next to the tennis courts has recently been asphalted over and is being used as a car park and queries whether planning permission was granted for this (response – the agent has advised that this was formerly a gravel area which has been tarmaced and is used for ball practice);
- The parking area mentioned above is already being used for parking so cannot be considered additional provision;
- Queries whether the ward Councillors in South Camberwell ward and the affected residents have been notified (response - The Camberwell Ward Councillors have been notified of the application and a list of the properties notified of the application is at Appendix 3 of this report);
- Several evenings a week there is considerable anti-social parking in the approach road to the sports club entrance;
- Traffic use of the JAGS sports centre is already unacceptable;
- The proposal would ruin the look of a primarily residential area;
- Use of the sports club car park would be unacceptable because it is a shared driveway with the Charter School and they could have events on at the same time;
- Noise and disturbance from people travelling to and from events (vehicles, car doors slamming etc.);
- Questions the need for the facility given the proximity to a similar facility at Alleyn's school;
- Increased traffic;
- The prime objective is to achieve commercial gain for the school at the cost of the local community;
- Noise and dirt during construction (response – this is not a material planning consideration);
- The amended plans do not overcome concerns raised during the initial consultation;
- Noise pollution and nuisance owing to an over-development of the school facilities;
- Lack of details and commitment to accessible community use;
- A re-design is required to ensure the amenity of neighbours is not compromised owing to traffic displacement;
- Strict hours of use conditions are required;
- Use of the facility out of school hours should be conditional on every measure being taken not to disturb residents;
- An access, usage and pricing policy that reflects equality of community accessibility is required;
- Disproportionate and progressive over-development of non-residential sites within Metropolitan Land and Conservation Areas (response – the proposed building would not be located on Metropolitan Open Land);
- Information in the Transport Assessment regarding the proximity of bus routes from the school is inaccurate and misleading;
- Queries whether staff and pupils are dropped off on the surrounding streets then

walk to the school and as such are counted as walking to the school and not being driven (response - the planning agent has advised that surveys were carried out using questionnaires and 'hands up' sessions at staff meetings and during lessons).

East Dulwich Grove Estate (EDGE) Tenants and Residents Association

19th July 2010

Object to the application on the following grounds:

- Increased traffic generation in and around Green Dale;
- Further deterioration of parking control on Green Dale and its junction with East Dulwich Grove;
- The existing Sea Cadets Hall is to be demolished and the site used for parking but there are no details of this in the application (response - the Sea Cadets Hall would be retained and parking around the building rationalized to provide additional spaces);
- The existing drop-off facility on East Dulwich Grove is not well used as Green Dale is used instead, the Transport Assessment fails to address this;
- Illegal parking and dangerous manoeuvres on Green Dale;
- Loss of parking for staff at the school;
- The proposal would relocate the major staff parking provision from East Dulwich Grove to Green Dale, increasing the number of vehicle trips along this road;
- The TRA supports the proposed building function and visual enhancements to East Dulwich Grove but cannot support the application until traffic mitigation measures are in place to protect the amenity of neighbouring residents;
- The Council should enter into a Section 106 agreement for traffic enhancement measures, possibly including:
  - 1) re-design / re-surfacing of Green Dale to enhance the cycle route to the north and limit traffic access to EDGE / JAGS parking only and reducing its use as a conventional 2-way road;
  - 2) installation and maintenance of traffic cameras and / or other means of traffic enforcement to prevent short-term parking by parents;
  - 3) Resident permit parking on Green Dale and / or parts of East Dulwich Grove.

24th October 2010 (following re-consultation)

Wish to note the following:

- 1) The fact that the Sea Cadet site is currently used for parking is acknowledged, the existing plan shows 17 spaces but this is not recorded in the existing plan and distorts the difference between the existing and proposed parking provision (response - 17 parking spaces in the Sea Cadet Hall form part of the existing parking provision);
- 2) The heavy use of Green Gale as a pupil drop-off is not acknowledged and as the relocated parking would be via Green Dale this road would incur a far higher volume of traffic than any other as a result of the proposal;
- 3) There could be up to 26 peripatetic music teachers providing lessons to the pupils, many of whom will travel by car and are unlikely to use the sports club car park if they have to carry heavy instruments. They would seek to use road side parking close to the school.
- 4) Spaces 8, 9 and 21 appear inaccessible and no swept path analysis has been provided (response - the Transport Planning Team has reviewed the spaces and found them to be acceptable, and swept paths have been requested);

5) No landscaping details for the Sea Cadet Hut have been provided.

6) There would be an effective loss of 23 parking spaces, 3 as noted in the report, 17 by virtue of the fact that the Sea Cadet Hall is already used for parking and 3 spaces that appear to fail to meet the necessary parking standards (response - there are currently 123 spaces on the site and there would be 103 as a result of the proposal, a loss of 20 spaces).

#### Red Post Hill Residents Committee

Object to the application on the following grounds:

- Significant and unacceptable displacement of traffic to Red Post Hill and Green Dale;
- Noise pollution and nuisance in relation to unacceptable and unnecessary increase in usage due to over-development of the school facilities;
- Loss of amenity due to significant increase in traffic;
- Increased safety risk to local users of amenities due to increased usage of parking;
- Lack of detailed documentation and commitment to accessible community access both in terms of usage and pricing.

Planning permission should be conditional on:

- a) An adequate and appropriate re-design that ensures the amenity of neighbours is not compromised in terms of traffic displacement to Red Post Hill and Green Dale;
- b) Strict conditions on hours of use;
- c) Use of the facility out of school hours should be conditional on taking every measure not to disturb residents;
- d) An access, usage and pricing policy that reflects equality of 'Community accessibility'.

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## RECOMMENDATION

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

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<b>Applicant</b>	Mr. John Reid James Allen Girls School	<b>Reg. Number</b>	10-AP-1510
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2120-C
<b>Recommendation</b>	Grant permission		

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### Draft of Decision Notice

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

Erection of 3-storey plus basement building to provide a community music centre for use by school and local community (Use Class D1).

**At:** JAMES ALLEN'S GIRLS SCHOOL, 144 EAST DULWICH GROVE, LONDON, SE22 8TE

**In accordance with application received on 01/06/2010**

**and Applicant's Drawing Nos.** 526\_1000 Rev P, 526\_1010 Rev P1, 526\_1020 Rev P1, 526\_1100 Rev P1, 526\_1101 Rev P1, 526\_1102 Rev P1, 526\_1103 Rev P1, 526\_1104 Rev P1, 526\_1120 Rev P1, 526\_1121 Rev P1, 526\_1110 Rev P1, 526 - 1111 Rev P1, 526 - 1112 Rev P1, 526 - 1040 Rev A, 526 - 1041 Rev A, 526 - 1045, BREEAM Pre-Assessment, Acoustic Planning Report/Environmental Noise Survey, Arboricultural Impact Appraisal and Method Statement, Transport Statement (Amendment Sept 2010), Southwark Sustainability Questionnaire, Energy Statement, Design and Access Statement, Travel Plan / Event Management (Amendment September 2010), Parking Statement.

**Subject to the following condition:**

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

Reason

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

- 2 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

526\_1000 Rev P, 526\_1010 Rev P1, 526\_1020 Rev P1, 526\_1100 Rev P1, 526\_1101 Rev P1, 526\_1102 Rev P1, 526\_1103 Rev P1, 526\_1104 Rev P1, 526\_1120 Rev P1, 526\_1121 Rev P1, 526\_1110 Rev P1, 526 - 1111 Rev P1, 526 - 1112 Rev P1, 526 - 1041 Rev A, 526 - 1045

Reason:

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

- 3 Details of a survey and investigation of the soil conditions of the site (2 copies), sufficient to identify the nature and extent of any soil contamination, together with a schedule of the methods by which it is proposed to neutralise, seal, or remove the contaminating substances, shall be submitted to and approved by the Local Planning Authority and thereafter shall be carried out before any works in connection with this permission are begun.

Reason

In order to protect construction employees and future occupiers of the site from potential health-threatening substances in the soil in accordance with policy 3.2 'Protection of amenity' of the Southwark Plan 2007.

- 4 The building shall be designed to ensure that no noise is audible at the nearest noise sensitive premises, and shall meet the following standard:

Criteria	Design range
No music or amplified sound or preaching/chanting audible at nearest noise sensitive premises	The LAeq, 5min shall be 10 dB below the external noise levels of nearest noise sensitive premises.

The development shall be completed to this standard prior to the first use of the building, and shall be maintained as such thereafter.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the premises in accordance with policy 3.2 'Protection of amenity' of the Southwark Plan 2007.

- 5 Details of a lobby system (2 sets of doors with self closers) to be installed at the main entrance to the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved and maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance and other excess noise from activities within the building, in accordance with policy 3.2 'Protection of amenity' of the Southwark Plan 2007.

- 6 The noise level from any plant (e.g. refrigeration, air conditioning), together with any associated ducting, shall be 10dB ( $L_{Aeq, 5min}$ ) or more below the lowest measured external ambient  $L_{A90, 1hr^*}$  at any area of the public realm. The equipment shall be installed and constructed in accordance with any approved scheme and be permanently maintained thereafter.

Within one month of the installation of the plant and equipment, a further acoustic report to demonstrate compliance with the requirements approved at (a) shall be submitted to and approved in writing by the Local Planning Authority, and the report shall include:

- i) A schedule of all plant and equipment installed;
- ii) Location of the plant, associated ducting, attenuation and damping equipment;
- iii) Manufacturer specifications of sound emissions in octave or third octave detail;
- iv) Location of the most affected noise sensitive receptor locations and most affected windows;
- v) Distance between plant, equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location/s;
- vi) The lowest existing  $L_{A90, T}$  measurement as already established;
- vii) Noise monitoring data, measurement evidence, calculations demonstrating compliance with this condition.

Reason

To ensure that users of the surrounding area not suffer a loss of amenity by reason of noise nuisance and other excess noise from plant and that the operation of plant does not add by cumulative effect to the existing sound environment in accordance with policy 3.2 'Protection of amenity' of the Southwark Plan 2007.

- 7 The building hereby permitted shall not be open to the public outside the hours of 07:30-22:00 Monday to Friday; 07:30-22:00 on Saturdays and 12:00-22:00 on Sundays.

Reason

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

- 8 Details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure no loss of amenity to neighbouring residential occupiers as a result of light pollution, in accordance with policy 3.2 'Protection of amenity' of the Southwark Plan 2007.

- 9 All parking spaces shown on drawing number 526\_1041 (Revision A) shall be completed prior to the commencement of development and thereafter shall be kept free of obstruction and available for the parking of vehicles only.

Reason

To ensure that there are adequate replacement parking facilities available on the site before the existing staff car park on East Dulwich Road is removed, in accordance with policy 5.2 'Transport impacts' of the Southwark Plan 2007.

- 10 Prior to the commencement of development a parking strategy for all staff parking, which shall include staff being allocated specific areas in which to park, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to reduce the likelihood of staff from the school parking on-street, in accordance with policies 5.2 'Transport impacts' and 5.6 'Car parking' of the Southwark Plan 2007.

- 11 The development shall not commence until details of a Construction Management Strategy has been submitted to, and approved in writing by the Local Planning Authority for that part of the development. The Management Scheme and Code of Practice shall oblige the applicant, or developer and its contractor to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and TV reception emanating from the site and will include the following information for agreement:

- A detailed specification of demolition and construction works at each phase of development including consideration of environmental impacts and the required remedial measures.
- The specification shall include details of the method of piling.
- Engineering measures, acoustic screening and the provision of sound insulation required mitigating or eliminating specific environmental impacts.
- Arrangements for publicity and promotion of the scheme during construction.
- A commitment to adopt and implement of the ICE Demolition Protocol and Considerate Contractor Scheme registration.

All construction work shall be undertaken in strict accordance with the approved management scheme and code of practice, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To ensure that and occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance in accordance with Policy 3.2 'Protection of Amenity' of The Southwark Plan 2007.

- 12 Samples of all facing materials and sample panels of the brickwork 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 the interests of the visual amenities of the streetscene and the character and appearance of this part of the Dulwich Village Conservation Area, in accordance with policies 3.12 'Quality in design', 3.13 'Urban design' and 3.16 'Conservation areas' of the Southwark Plan 2007.

- 13 Detailed drawings of all windows to the building including sections showing how they would adjoin the external walls, 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 the interests of the visual amenities of the streetscene and the character and appearance of this part of the Dulwich Village Conservation Area, in accordance with policies 3.12 'Quality in design', 3.13 'Urban design' and 3.16 'Conservation areas' of the Southwark Plan 2007.

- 14 The windows to the East Dulwich Grove elevation shall not be used for the display of advertisements or other displays and shall remain completely unobscured at all times.

Reason

Obscuring these windows would result in a dead frontage which would be harmful to the visual amenities of the streetscene and the character and appearance of this part of the Dulwich Village Conservation Area, contrary to policies 3.12 'Quality in design', 3.13 'Urban design' and 3.16 'Conservation areas' of the Southwark Plan 2007.

- 15 Detailed drawings of all external plant to be mounted on the roof of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of the visual amenities of the streetscene and the character and appearance of this part of the

Dulwich Village Conservation Area, in accordance with policies 3.12 'Quality in design', 3.13 'Urban design' and 3.16 'Conservation areas' of the Southwark Plan 2007.

- 16 The existing trees which are to be retained on the site shall be protected and the site shall be managed in accordance with the recommendations contained in the submitted Arboricultural Impact Appraisal and Method Statement dated May 2010. In any case, notwithstanding the presence of or validity of an arboricultural report, all works must adhere to BS5837: Trees in relation to construction and BS3998: Recommendations for tree work.

Location of trees on and adjacent to development sites

The plans and particulars submitted in accordance with this condition shall include:

- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75 mm, showing which trees are to be retained and the crown spread of each retained tree;
- (b) details of the species, diameter (measured in accordance with [paragraph \(a\)](#) above), and the approximate height, and an assessment of the general state of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs [\(c\)](#) and [\(d\)](#) below apply;
- (c) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
- (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, [within the crown spread of any retained tree or of any tree on land adjacent to the site] [within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree];
- (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in [paragraph \(a\)](#) above.

The plans and particulars submitted shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.

These works and measures shall include compliance with the details as set out in the Arboricultural Report and a pre-commencement meeting shall be arranged, the details of which shall be notified to the Local Planning Authority for agreement in writing prior to the meeting and prior to works commencing on site.

All tree protection measures and subsequent works required pursuant to that pre-commencement meeting and the Arboricultural report shall be installed, carried out and retained throughout the period of the works, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of preserving the health of the trees and to maintain the visual amenity of the site, in accordance with Policies 3.2 Protection of amenity, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

- 17 Prior to works commencing on site, including any demolition, details of the means by which any existing trees 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 to and approved in writing by the Local Planning Authority, and the protective measures shall be installed and retained throughout the period of the works in accordance with any such approval given and protective fencing must not be moved or removed without the explicit written permission of the Local Authority Arboriculturalist. Within the protected area, no fires may be lit, no materials may be stacked or stored, no cement mixers or generators may be used, no contractor access whatsoever is permitted without the explicit written permission of the Local Authority Arboriculturalist under the supervision of the developer's appointed Arboriculturalist. Within the protected area, any excavation must be dug by hand and any roots found to be greater than 25mm in diameter must be retained and worked around.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
  - (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority. Reference will be made to an assessment of tree value using CAVAT

(capital asset valuation for amenity trees).

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.

**Reason**

To ensure the protection of the existing trees in accordance with Policies policy 3.2 Protection of Amenity and 3.28 Biodiversity of The Southwark Plan 2007.

- 18 Prior to the commencement of development, detailed drawings (scale 1:50), of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping) and a replacement tree to the East Dulwich Grove frontage, shall be submitted to and approved in writing by the Local Planning Authority and the landscaping shall not be carried out otherwise than in accordance with any such approval given. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Planting shall comply to BS:4428 Code of practice for general landscaping operations, BS:3996 Nursery stock specification, BS:5837 Trees in relation to construction and BS:7370 Recommendations for establishing and managing grounds maintenance organisations and for design considerations related to maintenance.

**Reason**

In order that the Local Planning Authority may ensure that the design and details are in the interest of the special architectural qualities of the existing building and the public spaces around it in accordance with Policies 3.12 Quality in Design, 3.13 Urban Design and 3.28 Biodiversity of The Southwark Plan 2007.

- 19 The development hereby permitted shall be completed in accordance with the Energy Statement dated May 2010.

**Reason**

To reduce the carbon dioxide emissions associated with the proposed development, in accordance with policy 4A.7 'Renewable energy' of the London Plan (2008).

- 20 Prior to the occupation of the development, a post construction BREEAM assessment demonstrating how the building has achieved a minimum of a very good rating shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:**

In order that the Local Planning Authority may be satisfied as to the energy efficiency measures and sustainability of the development, in accordance with policy 3.4 'Energy efficiency' of Southwark Plan 2007.

**Reasons for granting planning permission.**

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

- a] Policies SP7 - Arts, culture and tourism which states that all developments should, where appropriate, support regeneration and wealth creation through arts, culture and tourism uses, 2.2 - Provision of new community facilities which requires new community facilities to be accessible to all and not to result in any loss of amenity or adverse highway impacts, 2.3 - Enhancement of educational establishments which seeks to protect existing D class educational establishments, 3.2 - Protection of amenity which seeks to ensure an adequate standard of amenity for existing and future occupiers, 3.3 - Sustainability assessment which requires major developments to be accompanied by a sustainability assessment, 3.4 - Energy efficiency which requires developments to maximise energy efficiency and minimise carbon dioxide emissions, 3.6 - Air quality which states that planning permission will not be granted for developments that would lead to a reduction in air quality, 3.12 - Quality in design which seeks to ensure that developments achieve a high standard of architectural design, 3.13 - Urban design which seeks to ensure that developments achieve a high standard of urban design, 3.15 - Conservation of the historic environment which seeks to conserve the historic environment, 3.16 - Conservation areas which seeks to preserve or enhance the character or appearance of conservation areas, 3.18 - Setting of listed buildings, conservation areas and world heritage sites which seeks to preserve or



enhance the character or appearance of listed buildings, conservation areas and world heritage sites, 3.28 - Biodiversity which states that the Local Planning Authority will take biodiversity into account in determining all planning applications, 5.2 - Transport impacts which seeks to ensure that developments do not result in adverse highway conditions, 5.3 - Walking and cycling which requires developments to make adequate provision for pedestrians and cyclists, and 5.6 - Car parking which establishes maximum parking standards, of the Southwark Plan 2007.

- b] Policies 3A.18 - Protection and enhancement of social infrastructure and community facilities which requires Local Authorities to assess the need for social infrastructure and community facilities in their area, 3A.24 - Education Facilities which requires development plan policies to reflect the demands for pre-school, school and community learning facilities, 3C.C - Sustainable transport in London which seeks to support more sustainable modes of transport, 3D.4 - Development and promotion of arts and culture which seeks to promote London's cultural and arts facilities, 4A.7 - Renewable energy which seeks to reduce carbon dioxide emissions from developments and 4B.12 - Heritage conservation which seeks to protect and enhance London's historic assets of the London Plan [consolidated with alterations since].
- c] Planning Policy Statements [PPS] and Guidance Notes PPS5: Planning for the Historic Environment, PPG13: Transport and PPG24: Planning and Noise.

Particular regard was had to

- Objections in relation to character and appearance and the foregoing design policies, where it is considered that the new buildings have been designed in a sensitive and sympathetic manner that integrates with the surrounding area, and which would not harm the character and appearance of the Dulwich Village conservation area, subject to conditions of consent in particular in relation to materials and detailing.
- Objections in relation to impacts on amenities and the foregoing urban design policies. The development is not considered to harm the amenities of surrounding residents, including but not limited to considerations of privacy, noise and disturbance.
- Transport and highways impacts of the scheme which are considered to be acceptable having regard to the with the policies summarised above and the transport assessment submitted in particular including justification for the proposed amount of on site car parking, and having regard to the mitigation afforded in relation to transport planning issues through the conditions of consent.
- Objections in relation to the effects of the scheme on trees both on the site and surrounding the site and in terms of landscaped amenity which have been addressed satisfactorily particularly having regard to visual amenity and biodiversity, subject to conditions of consent relating to submission of an Arboricultural method statement, tree protection, mitigation of the loss of trees by way of replacement tree planting, monitoring of the health of retained trees, and the submission of a further landscape plan and implementation of the landscape plan;
- Objections received in relation to, and other matters relating to, the impacts of the scheme on the surrounding area during the construction phase such as noise and traffic impacts which can be adequately mitigated through compliance with conditions of consent.
- Other policies which may have been considered, but in this instance are not considered to have such weight as to justify a refusal of permission. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

Ordnance Survey

Date 6/12/2010



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<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
6.3	OPEN	15 December 2010	Dulwich Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 10-AP-2852 for: Full Planning Permission  <b>Address:</b> 208 BARRY ROAD, LONDON, SE22 0JS  <b>Proposal:</b> Change of use from a residential dwellinghouse to a nursery (Class D1) with single storey ground floor rear extension, and two rear dormer window extensions forming one residential staff flat. Associated bin and pram storage areas and cycle parking.		
<b>Ward(s) or groups affected:</b>	East Dulwich		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 13/10/2010		<b>Application Expiry Date</b> 08/12/2010	

### RECOMMENDATION

- 1 To refuse planning permission.

### BACKGROUND INFORMATION

- 2 The application has been called in to Dulwich Community Council for a decision.
- 3 The application is a resubmission of application 10-AP-0915, which was refused by Dulwich Community Council on 09 August 2010.

### Site location and description

- 4 The site contains a two storey, semi detached residential dwellinghouse, located on the corner of Barry Road and Goodrich Road, East Dulwich. Surrounding the site are further residential dwellinghouses. The site contains a front and rear garden, with a two storey residential unit adjoining the rear boundary of the site. The dwellinghouse is currently unoccupied.
- 5 Barry Road is classified as a TLRN 'B Road' and forms part of the bus priority network.
- 7 The site has no listings and is not located within a conservation area.

### Details of proposal

- 8 The proposal involves a change of use from a residential dwellinghouse (C3) to a children's nursery (Class D1) and new staff flat, with a ground floor extension and two dormer window extensions to the rear. A bin and cycle store and covered pram area are proposed to the front of the building. An outdoor play area is proposed to the side with the remainder of the site landscaped.

- 9 The nursery will accommodate 20 children, ranging in age from 2 through to 7 years old, cared for by 3 part time staff. Proposed hours are 08:00 to 18:00 Monday-Friday.
- 10 The ground floor features two classrooms and a kitchen area, with outside play areas in the rear garden. The first floor has three classrooms and the converted loft accommodates a staff room and office.
- 11 The proposed dormer windows are approximately 1.8m wide by 1.8m high and are constructed of lead with sash window frames.

### **Planning history**

- 12 09-AP-2770: Planning permission refused 04 March 2010 for a change of use for residential dwelling to a 50 place children's nursery (Class D1) with 2 storey side extension and two dormer window extensions to the rear. Reasons for refusal were:

The proposed change of use will result in a loss of residential floorspace, in a dwellinghouse which is considered suitable for housing, with no overriding circumstances that would make the loss of floorspace acceptable. This is contrary to policy 4.6 'Loss of residential accommodation' of the Southwark Plan 2007 [July].

The proposed change of use would, due to the number of places and staff proposed for the new nursery, lead to a use out of character with the predominantly residential nature of the area, creating noise and nuisance impacts to the detriment of local residential amenity. This is contrary to policy 3.2 'Protection of amenity' of the Southwark Plan 2007 [July].

The proposed side extension represents an incongruous addition, out of scale and character with the original dwellinghouse and will result in detrimental impacts on the appearance of the building and streetscene. This is contrary to policies 3.12 'Quality in design' and 3.13 'Urban design' of the Southwark Plan 2007 [July].

Due to the number of places and staff proposed for the new nursery, along with the absence of a detailed transport assessment, the proposed change of use could lead to an increase in traffic congestion and pressure for parking around the intersection with Barry Road, a busy TLRN class B road. The potential increase in traffic would compromise road safety for road users and pedestrians, in contravention of policy 5.2 'Transport impacts' of the Southwark Plan 2007 [July].

- 13 10-AP-0915: Planning permission refused 09 August 2010 for a change of use from single residential dwelling (C3) to children's Montessori nursery (D1) including roof conversion with two dormer window extensions to the rear and single storey rear extension to ground floor. Reasons for refusal were:

The proposed change of use will result in a loss of residential floorspace, in a dwellinghouse which is considered suitable for housing, with no overriding circumstances that would make the loss of floorspace acceptable. This is contrary to policy 4.6 'Loss of residential accommodation' of the Southwark Plan 2007 [July].

The proposed change of use would, due to the number of places and staff proposed for the new nursery, lead to a use out of character with the predominantly residential nature of the area, creating noise and nuisance impacts to the detriment of local residential amenity. This is contrary to policy 3.2 'Protection of amenity' of the Southwark Plan 2007 [July].

Due to the number of places and staff proposed for the new nursery, along with the absence of a detailed transport assessment, the proposed change of use could lead to an increase in traffic congestion and pressure for parking around the intersection with Barry Road, a busy TLRN class B road. The potential increase in traffic would compromise road safety for road users and pedestrians, in contravention of policy 5.2 'Transport impacts' of the Southwark Plan 2007 [July].

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

- 14 None available.

### **KEY ISSUES FOR CONSIDERATION**

#### **Summary of main issues**

- 15 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 of the proposal on amenity
  - c] The appearance of the proposal
  - d] The impact of the proposal on traffic and parking

#### **Planning policy**

##### Southwark Plan 2007 (July)

- 16 2.2 'Provision of new community facilities'  
 2.4 'Education deficiency - provision of new educational establishments'  
 3.2 'Protection of amenity'  
 3.7 'Waste reduction'  
 3.12 'Quality in design'  
 3.13 'Urban design'  
 4.6 'Loss of residential accommodation'  
 5.2 'Transport impacts'  
 5.3 'Walking and cycling'

##### Core Strategy

- 17 The Council submitted the draft Core Strategy to the Secretary of State on 26 March 2010 and the Examination in Public hearings took place in July 2010. The Core Strategy policies should be considered as currently having no weight when determining planning applications as they are awaiting the Inspector's report and his finding of soundness. Applications should continue to be determined pending receipt of the Inspector's report primarily in accordance the saved policies in the Southwark Plan 2007 and the London Plan 2008.
- 18 The Inspector's report on the Core Strategy is expected in December 2010. With a recommendation of soundness from the inspector there will be a very high degree of certainty that the Core Strategy will be adopted and that a number of existing Southwark Plan policies will be replaced. In view of this, on publication of the inspector's report, all core strategy policies should be given significant weight in determining planning applications. Less weight should be given to existing policies which are soon to be replaced. Formal adoption of the core strategy is expected in January 2011.

#### **Principle of development**

- 19 A number of policies relate to the principle of the proposal and whether the change of use would be acceptable, these are:

- 20 2.2 'Provision of new community facilities'  
States that permission will be granted for new community facilities provided the facility can be used by all members of the community; and the facility is not detrimental to the amenity of nearby occupiers; and where more than 20 vehicle trips are generated a transport assessment will be required.
- 21 The applicant has stated that the facility will provide for existing residents within the local area and there is no reason to believe the facility would exclude any members of the community.
- 22 The facility is considered to have detrimental impacts on amenity which will be discussed later in this report.
- 23 It is considered that with the further reduced number of places proposed, there is still potential for more than 20 vehicle trips to be generated. The applicant has submitted a Parking Survey and Analysis Report and Green Travel Plan. The Parking Survey concludes that the surrounding road network can accommodate the increase in parking pressure from the nursery, with adequate capacity available to ensure cars are not parked in unsuitable areas such as on yellow lines. The Green Travel Plan has the intention of encouraging sustainable transport choices such as walking and cycling for users of the nursery.
- 24 Council Transport Planners have reviewed the information provided and concur with the findings that the parking demand generated by the nursery at peak times can be sufficiently accommodated by the surrounding road network.
- 25 Overall due to the detrimental impacts on residential amenity which will be discussed further, the proposal is not considered to meet the intention of policy 2.2.
- 26 2.4 'Educational deficiency - provision of new educational establishments'  
States that permission will be granted for new educational establishments especially in areas of demonstrated deficiency, provided the facility can be used by all members of the community.
- 27 The applicant states there is urgent demand for a new nursery in the area following the recent closure of a nearby nursery. Furthermore, many of the submissions in support of the application state there is demand for nursery places in this area. This amount of support for a new nursery satisfies the policy requirement for encouraging new establishments. As such the proposal is considered to be in accordance with the intention of policy 2.4.
- 28 4.6 'Loss of residential accommodation'  
States development will not be permitted where there is a net loss of residential floorspace, except where the environment is unsuitable for housing and the quality of accommodation is unsatisfactory with no possibility of improvement; or the site has a designation for a non residential use; or the change would contravene criteria for the efficient use of land contained in policy 3.11 'Efficient use of land'.
- 29 The property is currently unoccupied however is a residential dwellinghouse with no planning history indicating any uses other than residential. The local area is residential in character so a residential use is suitable in this location. The internal layout of the building was not inspected, however the applicant has not stated that it would be unfit for habitation. There is no designation for the site. In assessing the proposed use against policy 3.11, the proposal fails to satisfy relevant criteria due to the identified loss of residential amenity. Due to this loss of residential floorspace, the proposal fails to satisfy the criteria for an exception from policy 4.6 and the loss of

residential accommodation cannot be supported.

- 30 Policy 4.6 carries on to state that development will not be permitted where there is a net loss of wheelchair accessible housing. The dwellinghouse has a large ground floor, easily accessible from street level, it is considered that the site would be suitable for wheelchair housing. As such the loss of this housing would be in further contravention of the intention of this policy.
- 31 The applicant's Design & Access Statement identifies that in the 'Reasons' section of policy 4.6, a loss of housing might be acceptable, where a reduction in the net residential floor space would have wider benefits to the community. As identified in the assessments of the proposal against policies 2.2 'Provision of new community facilities' and 2.4 'Educational deficiency - provision of new educational establishments', it is acknowledged that there is a demonstrated demand for nursery facilities in this area and that the community would benefit from increased provision. However these considerations do not outweigh the adverse impacts that the proposal would have in terms of loss of residential floorspace and residential amenity.
- 32 In attempting to address the loss of residential accommodation as a reason for refusal from the previous application, the applicant is providing a staff flat within the building, to retain some residential use as part of the proposal. While providing some residential floorspace within the development avoids a total loss of residential accommodation at this site, it is not considered that the provision of a one bedroom flat contained within the nursery provides valuable residential floorspace in comparison to the large family dwellinghouse that would be lost. Policy 4.6 specifically states that a net loss of residential floorspace will not be permitted, the proposal would result in a net loss as well as the loss of a large family dwellinghouse, for which there is an identified need in the borough.
- 33 In making a determination as to the acceptability of the principle of development based on the intentions of these relevant policies, the weighting given to each policy is important, given that policy 2.2 seeks to encourage community facilities and 4.6 seeks to protect existing residential floorspace. In this case the dwellinghouse was originally constructed for residential purposes and has always retained this use. The dwellinghouse is a single residential dwellinghouse with generous floorspace and outdoor area, making it suitable for family accommodation, of which there is an identified need in the borough. The area is predominantly residential in character and the outdoor amenity space of the adjoining properties are adjacent to the proposed play areas of the nursery, raising concerns about noise and disturbance to nearby occupier's amenity.
- 34 Overall, given that policy 2.2 seeks to encourage community facilities only where the facility would not be detrimental to the amenity of nearby occupiers, and that the proposal will result in the loss of residential floorspace contrary to policy 4.6, the proposal does not accord with relevant policy and is not supported in principle.

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

- 35 The application states that the nursery will provide places for 20 children cared for by a maximum of 3 staff. Hours of operation are from 08:00 to 18:00 Monday to Friday, the nursery is not open on weekends or Bank Holidays. It is not stated whether 20 children and 3 staff will be on site at once, so it is assumed that there is potential for the full amount of children and staff to be on site at any one time. It is considered that the proposed use, at this intensity, would lead to unacceptable impacts on the amenity of nearby residents in terms of noise and disturbance.

- 36 The site is currently a large four bedroom residential dwellinghouse that could potentially accommodate a family of six to eight people and the area is predominantly residential in character. Given the residential use of the site and the residential context of the area, it is considered that the introduction of a nursery of this size would lead to an intensity of use out of character with the residential environment. This would lead to general noise and disturbance throughout the day, to the detriment of nearby resident's amenity.
- 37 It is acknowledged that the nursery could implement measures such as half day sessions and/or restrict outside play to certain times of the day, however such measures can be impractical and difficult to enforce. The resulting potential for disturbance to local residents is considered unacceptable. Environmental Protection officers have reviewed the proposal and state there could be a loss of amenity due to noise and nuisance as a result of the proposal and that there is no party wall sound insulation treatment proposed.
- 38 The extensions to the dwellinghouse including the dormer windows and two storey side addition will have no direct impact on nearby occupiers in terms of shading and dominance, as the extensions are sufficiently distanced from the habitable rooms of nearby dwellings. A minor increase in overlooking may result from the proposed dormer windows and first floor windows of the side extension. However this increase is not considered to be detrimental in relation to similar views already obtained from the rear windows of the first floor of the dwellinghouse.

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

- 39 The surrounding properties are residential and although the dwellinghouse adjoining the rear boundary directly overlook the subject site, this is not considered to create unacceptable impacts on the operation of the proposal.

#### **Traffic issues**

- 40 The previous proposal for a nursery with 28 places was refused due to the likely number of parents and staff travelling to the nursery by private car and causing congestion and a reduction in road safety at pick up and drop off times. A Transport Assessment was not provided to demonstrate that the impacts on traffic and parking would be acceptable.
- 41 The current application proposes 20 places and the applicant has provided a Parking Survey and Green Travel Plan demonstrating the parking pressure of the immediate area and outlining measures to encourage travel to the nursery by means other than private car. The applicant concludes that there will be no adverse impacts on the surrounding road network as a result of the proposal and that based on the parking survey, there would be sufficient capacity to accommodate additional vehicles, preventing the need for cars to park in unsuitable locations that would reduce road safety.
- 42 Council Transport Planners have reviewed the information and concur that the proposal would not lead to any adverse impact on the surrounding road network. It is therefore considered that the proposal is in accordance with Transport Policy.

#### **Design issues**

- 43 The dormer extensions, rear extension, bin store, pram store and hard and soft landscaping are considered to be appropriately scaled and placed to have only minor impacts on the appearance of the dwellinghouse.



### **Other matters**

- 44 None identified.

### **Conclusion on planning issues**

- 45 The proposed change of use will result in a loss of residential floorspace, in a dwellinghouse which is considered suitable for housing, with no overriding circumstances that would make the loss of floorspace acceptable. This is contrary to policy 4.6 'Loss of residential accommodation' of the Southwark Plan 2007 [July].
- 46 The proposed change of use would, due to the number of places and staff proposed for the new nursery, lead to a use out of character with the predominantly residential nature of the area, creating noise and nuisance impacts to the detriment of local residential amenity. This is contrary to policy 3.2 'Protection of amenity' of the Southwark Plan 2007 [July].

### **Community impact statement**

- 47 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**

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

### **Consultation replies**

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

### Summary of consultation responses

Refer Appendix 2.

### **Human rights implications**

- 50 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.
- 51 This application has the legitimate aim of providing a D1 nursery. 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.

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2596-208 Application file: 10-AP-0915 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquires telephone: 020 7525 5403 Planning enquires email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 5330 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management
<b>Report Author</b>	Jeremy Talbot, Planning Officer
<b>Version</b>	Final
<b>Dated</b>	6 December 2010
<b>Key Decision</b>	No

**CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER**

<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No.	No.
Strategic Director of Regeneration and Neighbourhoods	No.	No.
Strategic Director of Environment and Housing	No.	No.
<b>Date final report sent to Constitutional /Scrutiny Team</b>		

**Consultation undertaken**

**Site notice date: 22/10/2010**

**Case officer site visit date: 22/10/2010**

**Neighbour consultation letters sent: 20/10/2010**

**Internal services consulted:**

Environmental Protection  
Early Years - Children's Services  
Transport Planning

**Statutory and non-statutory organisations consulted:**

None.

**Neighbours and local groups consulted:**

As listed in Acolaid.

**Re-consultation:**

None.

## Consultation responses received

### Internal services

#### Environmental Protection

There may be loss of amenity from the noise and nuisance point of view of from the use, I note from the documentation submitted that the architect states that the noise from 5 children outside the property would be similar to a large family with friends around.

There is no mention that there will noise insulation treatment to the party wall of the development.

#### Early Years - Children's Services

Confirm there is a need for suitable, affordable childcare in the area, particularly for children under 3 and that the plans would be compliant for Ofsted registration. Support the development of the proposed new nursery.

#### Transport Planning

The above application will not generate a significant negative impact on the performance and safety of the surrounding highway network. For the following reasons:

- The nursery has reduced the number of children from 28 to 20.
- The submitted parking survey has shown that there are at least seventy two car parking spaces on the surrounding highway network at peak times of operation.

The travel plan has a number of binding measures which will ensure parents chose sustainable modes of transport when dropping off and collecting their children.

### Neighbours and local groups

27 responses were received in support of the proposal. Reasons for support include:

- There is a need for more childcare provision in the area;
- There are other nurseries in the borough with limitations;
- There is a waiting list of people wanting to get their children in this nursery;
- A number of local nurseries have closed down increasing demand for places;
- The provider would offer a very good standard of childcare to local families;
- This is a local business and will bring much needed employment and training opportunities;
- There are 2 year waiting lists for most nurseries;

6 responses were received in objection to the proposal. Reasons for objection include:

- Loss of residential accommodation;
- There is no evidence to justify why this property is the most suitable to meet the demand for nursery places in the area;
- Demand for nurseries is not, in itself, sufficient to warrant departure from policy 4.6;
- Proposal will create noise and nuisance to the detriment of local residential amenity;
- Traffic and parking issues;

- Not a safe location for a nursery due to proximity to Barry Road;
- The site is overlooked;
- None of the reasons for refusal from the previous application have been overcome;
- The intention to encourage walking, public transport and cycling is unenforceable;
- The property could easily be brought back into use as a private dwelling;
- What measures are being taken to mitigate impacts from noise on neighbouring properties?

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## RECOMMENDATION

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

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<b>Applicant</b>	Mr. & Mrs. M Beresford	<b>Reg. Number</b>	10-AP-2852
<b>Application Type</b>	Full Planning Permission	<b>Case Number</b>	TP/2596-208
<b>Recommendation</b>	Refuse permission		

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### Draft of Decision Notice

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

Change of use from a residential dwellinghouse to a nursery (Class D1) with single storey ground floor rear extension, and two rear dormer window extensions forming one residential staff flat. Associated bin and pram storage areas and cycle parking.

**At:** 208 BARRY ROAD, LONDON, SE22 0JS

**In accordance with application received on 30/10/2010**

**and Applicant's Drawing Nos.** Site Plan; 127(S)01; 130(S)02 A; 130(P)01 C; 130(P)02 C; 130(P)03 D; Design and Access and Planning Statement; Parking Survey and Analysis for the development of the site at: 208 Barry Road, East Dulwich, London; Green Travel Plan.

**Reason for refusal:**

- 1 The proposed change of use will result in a loss of residential floorspace, in a dwellinghouse which is considered suitable for housing, with no overriding circumstances that would make the loss of floorspace acceptable. This is contrary to policy 4.6 'Loss of residential accommodation' of the Southwark Plan 2007 [July].
  
- 2 The proposed change of use would, due to the number of places and staff proposed for the new nursery, lead to a use out of character with the predominantly residential nature of the area, creating noise and nuisance impacts to the detriment of local residential amenity. This is contrary to policy 3.2 'Protection of amenity' of the Southwark Plan 2007 [July].

Ordnance Survey

Date 6/12/2010



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<b>Item No.</b>	<b>Classification:</b>	<b>Date:</b>	<b>Meeting Name:</b>
6.4	OPEN	15 December 2010	Dulwich Community Council
<b>Report title:</b>	<b>Development Management planning application:</b> Application 10-AP-2196 for: Full Planning Permission		
	<b>Address:</b> 31 ELMWOOD ROAD, LONDON, SE24 9NS		
	<b>Proposal:</b> The demolition of an existing property (comprising two flats) at number 31-33 Elmwood Road. The construction of two new terraced houses on basement, ground, first and second floor levels.		
<b>Ward(s) or groups affected:</b>	Village		
<b>From:</b>	Head of Development Management		
<b>Application Start Date</b> 30/07/2010		<b>Application Expiry Date</b> 24/09/2010	

## RECOMMENDATION

- 1 Grant planning permission, subject to conditions.

## BACKGROUND INFORMATION

- 2 This application is before Members of the Dulwich Community Council, as it is recommended for approval and more than 3 letters of objection have been received.

### Site location and description

- 3 The application site consists of an existing building situated in between nos. 29 and 35 Elmwood Road in North Dulwich. The building was constructed during the post war period (cica1950's) to form an infill within this row of existing Edwardian dwellings. The dwelling is typical of the era and in stark contrast to the remainder of the dwellings along this section of Elmwood Road, featuring basic square timber windows, red brickwork and an adjoining flat roof dormer window structure. The site is unallocated in the Adopted Southwark Plan (2007).

### Details of proposal

- 4 Planning permission is sought for the erection of two adjoining dwellings to infill between nos 29 and 31 Elmwood Road, replacing the existing 1950's dwelling.
- 5 The proposed dwellings would be of a design which complements the adjoining dwellings, whilst incorporating modern design features. The dwellings would have a basement area with a small lightwell to the front bay. The ground floor footprint would extend up to the adjoining boundaries, but keep the height to the rear outriggers of nos 29 and 35 below 2 metres. The outrigger to the proposed dwellings would be sunken so that although they would provide 3 floors of accommodation they would appear the same height as those of the adjoining properties which provide two floors of accommodation.



6 The proposed dwellings would feature projecting two storey bays constructed from red brickwork. The roof is proposed to be constructed from zinc cladding featuring front dormer which would feature rounded roof ridges. The rear roofslope and outrigger section would be constructed from zinc cladding also with dormer windows to the rear.

7 Each dwelling would be 4 bedrooms with a basement games room and a box room to the second floor.

**Planning history**

8 None identified

**Planning history of adjoining sites**

9 **09-AP-2331:** Certificate of Lawfulness for proposed use  
Use of the existing dwelling from two separate units to a single family dwelling house  
**Approved:** December 2009

**KEY ISSUES FOR CONSIDERATION**

**Summary of main issues**

10 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 of the proposed development upon the amenity of adjacent residential properties.

c) the design and visual impact of the proposed development

d) the acceptability of the proposed residential living accommodation at the site.

**Planning policy**

Southwark Plan 2007 (July)

- 11 3.2 'Protection of Amenity'  
3.4 'Energy Efficiency'  
3.7 'Waste Reduction'  
3.9 'Water'  
3.11 'Efficient use of land'  
3.12 'Quality in Design'  
3.13 'Urban Design'  
4.1 'Density of residential development'  
4.2 'Quality of residential accommodation'  
5.3 'Walking and Cycling'  
5.6 'Car Parking'

London Plan 2008 consolidated with alterations since 2004

Core Strategy

12 The Council submitted the draft Core Strategy to the Secretary of State on 26 March 2010 and the Examination in Public hearings took place in July 2010. The Core Strategy policies should be considered as currently having no weight when

determining planning applications as they are awaiting the Inspector's report and his finding of soundness. Applications should continue to be determined pending receipt of the Inspector's report primarily in accordance the saved policies in the Southwark Plan 2007 and the London Plan 2008.

- 13 The Inspector's report on the Core Strategy is expected in December 2010. With a recommendation of soundness from the inspector there will be a very high degree of certainty that the Core Strategy will be adopted and that a number of existing Southwark Plan policies will be replaced. In view of this, on publication of the inspector's report, all core strategy policies should be given significant weight in determining planning applications. Less weight should be given to existing policies which are soon to be replaced. Formal adoption of the core strategy is expected in January 2011.

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

- 14 PPS 3: Housing

**Principle of development**

- 15 The principle of the erection of the infill between nos 29 and 35 Elmwood Road is acceptable provided the scheme does not adversely impact upon the amenity of the adjoining residential properties, is of an acceptable design, and would provide an acceptable standard of residential accommodation.
- 16 As replacement residential accommodation the development is subject policy 4.1 of the Adopted Southwark Plan which concerns Density of residential development. The unit is within an area with a Public Transport Accessibility Level (PTal) of 4 within the medium density urban zone. The development is therefore required to achieve a density of between 200 to 700 habitable rooms per hectare. Each dwelling would provide 8 habitable rooms including the box rooms and basement games rooms with a combined floor space of 150 sqm. This would provide a ratio of 533 habitable rooms per hectare. The proposal therefore accords with policy 4.1 density of residential development of the Adopted Southwark Plan.
- 17 With regard to the quality of residential living accommodation, the development is subject to policy 4.2 of the Adopted Southwark Plan. In terms of required floorspace, table 2 of the Residential Design Guidance SPD sets out the required standards. The proposed dwellings would be a mirrored design of one another. The dwelling proposes to provide the following rooms:

	<b>Proposed</b>	<b>Required</b>
18 Living room	34 sqm	19 sqm
Kitchen/dining	25.9 sqm	12 sqm
Bedroom 1	18 sqm	12 sqm
" " 2	15 sqm	12 sqm
" " 3	12 sqm	7 sqm
" " 4	12.9 sqm	7 sqm
Box	12.9 sqm	n/a
Bathroom/wc - 16.5sqm (3 separate)		3.5 sqm
Games room	20.25	n/a

- 19 As shown in the information above, the proposed residential accommodation exceeds the required floor standards as set out in the Adopted SPD. Each dwelling would have 50 sq metres of private garden space to the rear. The proposed development is therefore acceptable in principle.

## **Environmental impact assessment**

20 Not required.

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

- 21 The residents most affected by the proposed development would be those adjoining either side of the application site living at nos. 29 and 35 Elmwood Road. The existing dwelling occupies a smaller portion of the site as there is no back addition. These properties therefore enjoy a very open aspect to the rear when compared to the neighbouring dwellings where the back additions exist and create more restricted lightwell spaces, which are common to Victorian and Edwardian dwellings. The ground floor element would create a solid form up to the boundary, but would maintain a height similar to that of a rear garden wall. This is unlikely to give rise to any amenity concerns for the adjoining properties. The upper levels of the proposed rear addition would be set in from the boundary on either side by approximately 1 metre. The proposed outrigger would also not exceed the height of the outriggers to the neighbouring properties 29 and 35 Elmwood nor would the proposed outrigger project further forward than the existing neighbouring outriggers with side facing elevations reaching a length of 7 and 6 metres. The proposal would impact on outlook to openings on the rear elevation of the main building and to openings on the side of the back addition. It is not considered that the loss of outlook would be sufficient to warrant refusal of the application.
- 22 With regard to existing window openings at 35 Elmwood, there are windows at first floor level which appear to serve a landing space and a bathroom and possibly a bedroom to the rear elevation. The proposed new dwelling would be north of the flank elevation of this dwelling. It is acknowledged that there would be some loss of daylight to the windows within the lightwell area, however given the orientation sufficient levels of daylight and sunlight would be available to the main habitable rooms.
- 23 There are openings to the rear and side elevations of 29 Elmwood Road. Again it is considered that the first floor rear elevation window would receive adequate light with the proposed outrigger in place. The ground floor rear elevation window appears to serve a dining room. This would be more directly affected in terms of daylight. This room would experience a loss of light as a result of the proposed development however, it is considered that an adequate amount of light would still be able to enter this room. Traditionally windows on the side elevation of the outrigger would serve as secondary windows or smaller non habitable rooms. On balance it is therefore considered that the impact to this property is not sufficient to warrant refusal of the scheme.
- 24 The presence of two storey outriggers to the properties on either side of the application site and the likelihood of the original dwellings having similar outriggers makes the erection of a similar structures more acceptable, in this instance. In terms of privacy the windows on the side elevation of the outrigger would be either high level or obscure glazed. There would be limited levels of mutual overlooking arising as a result of this application.

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

- 25 The surrounding area is largely residential with all adjoining land uses residential. Future occupiers would therefore not be adversely affected by surrounding land uses.

### **Traffic issues**

#### Cycling

- 26 In accordance with policy 5.3 of the Southwark plan, the site is required to provide 2 secure cycle parking spaces. As part of any consent granted at the site, a condition shall be attached providing details of secure cycle parking provided at the unit.

#### Car Parking

- 27 There would be no net increase in the numbers of units provided, although larger dwellings it is generally considered that any parking can be accommodated on the existing public highway.

### **Design issues**

- 28 It is acknowledged that the proposed dwellings are of a more modern design than the adjoining and continuing properties along Elmwood Road. However, the site is not within a conservation area and the proposed modern features would provide an acceptable appearance to the existing site which is out of scale and does not sit well with the existing design context. The proposed dwelling would continue the existing roofline of the adjoining properties and would provide dormer windows. However in contrast to the neighbouring dwellings, the proposed roof would be constructed with a zinc clad finish and the proposed dormers would have a rounded roof line. Although slightly different in design detail most notably the use of two storey projecting bay type windows and less decorative window cases the unit would be within scale and would utilise terracotta brick work like the neighbouring properties. It is considered therefore that the proposed unit would be an acceptable infill development of this existing plot. The design of the building would provide an acceptable contrasting structure which would fit in well with the existing street scene along this section of Elmwood Road.
- 29 In terms of the rear outrigger section, initially a structure was proposed which featured a roof line proposed to slope downwards from the ridge of the main roof to the apex of the rear gable structure. Dormer windows were also proposed which would slope down from the main roof ridge also. It was considered that this arrangement would appear incongruous with the adjoining dwellings and would provide a structure which would be of poor visual amenity. In response to these concerns the applicant has submitted amendments which show an amended roof plan with a ridge which feed into the main roof at a flat level approximately 1.5 metres below the main roof ridge. The proposed dormers have also been amended to detail those of a more conventional shape at a height of 1m and a width of 1.5m with a flat roof. It is considered that this is of an acceptable design which would complement the main house and the existing outriggers to the adjoining properties.
- 30 It is considered that in general terms, the proposed dwelling would provide a unit which is of an acceptable appearance in relation to the adjoining properties and wider street scene. The proposal therefore accords with design policies 3.12 and 3.13 of the Adopted Southwark Plan.

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

- 31 The proposal would not impact upon the setting of any listed building or conservation area.

### **Impact on trees**

- 32 The proposed development would not result in the felling of any trees.

### **Planning obligations (S.106 undertaking or agreement)**

- 33 The proposal is not of a size that would warrant contributions by way of a Section 106.

#### **Sustainable development implications**

- 34 The proposed dwelling seeks to maximise its potential for energy efficiency incorporating a number of sustainability measures into the development.

In addition to the provision of photovoltaics on the south facing roof slope of one of the dwellings the proposal would also incorporate, effective insulation of the building, the use of the most energy efficient gas boiler available and the use of materials sourced as locally as possible.

#### **Other matters**

- 35 None identified.

#### **Conclusion on planning issues**

- 36 The proposed development represents a good design and would be an innovative yet appropriate addition to the application site and wider street scene. The development would have an impact upon the amenity of adjoining properties, but it is not considered that such impacts would warrant refusal of the scheme. Overall the proposal would provide an excellent standard of living accommodation. The development is therefore recommended for approval.

#### **Community impact statement**

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

#### **Consultations**

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

#### **Consultation replies**

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

#### **Summary of consultation responses**

- 40 17 letters of objection received raising the following objections; Inappropriate design and use of materials, Impact upon availability of light to properties adjoining the application site. Potential structural problems of incorporating basement space into unit.

6 letters of support.

**Human rights implications**

- 41 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.
- 42 This application has the legitimate aim of providing two adjoining replacement dwellings in this location. 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**

- 43 n/a

**REASONS FOR LATENESS**

- 44 n/a

**REASONS FOR URGENCY**

- 45 n/a

**BACKGROUND DOCUMENTS**

<b>Background Papers</b>	<b>Held At</b>	<b>Contact</b>
Site history file: TP/2103-31 Application file: 10-AP-2196 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: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 3602 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

**APPENDICES**

<b>No.</b>	<b>Title</b>
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received

**AUDIT TRAIL**

<b>Lead Officer</b>	Gary Rice, Head of Development Management	
<b>Report Author</b>	Michael Mowbray, Planning Officer	
<b>Version</b>	Final	
<b>Dated</b>	8 November 2010	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments included</b>
Strategic Director of Communities, Law & Governance	No	No
Strategic Director of Regeneration and Neighbourhoods	No	No
Strategic Director of Environment and Housing	No	No
<b>Date final report sent to Constitutional /Scrutiny Team</b>		

**Consultation undertaken**

**Site notice date:** 25th August 2010

**Press notice date:** n/a

**Case officer site visit date:** 25th August 2010

**Neighbour consultation letters sent:** 13th August 2010

**Internal services consulted:**

Design and Conservation Team  
Transport Planning

**Statutory and non-statutory organisations consulted:**

none

**Neighbours and local groups consulted:**

50 ELMWOOD ROAD LONDON SE24 9NR  
5 WYNEHAM ROAD LONDON SE24 9NT  
FIRST FLOOR FLAT 35 ELMWOOD ROAD LONDON SE24 9NS  
GROUND FLOOR FLAT 35 ELMWOOD ROAD LONDON SE24 9NS  
FLAT 3 7 WYNEHAM ROAD LONDON SE24 9NT  
FLAT 2 7 WYNEHAM ROAD LONDON SE24 9NT  
33 ELMWOOD ROAD LONDON SE24 9NS  
FLAT 1 7 WYNEHAM ROAD LONDON SE24 9NT  
TOP FLOOR 35 ELMWOOD ROAD LONDON SE24 9NS  
52 ELMWOOD ROAD LONDON SE24 9NR  
31 ELMWOOD ROAD LONDON SE24 9NS  
29 ELMWOOD ROAD LONDON SE24 9NS  
54 ELMWOOD ROAD LONDON SE24 9NR

**Re-consultation:**

22/10/2010



## Consultation responses received

### Internal services

Design and conservation Team: Raised an objection to the initial design of the proposed rear outrigger section along with rear roof slope dormer windows. Were satisfied with amendments made to roof ridge on later submitted amended plans.

Transport Planning: Raised no objections to the proposed development recommended that details regarding cycle storage be submitted.

### Statutory and non-statutory organisations

n/a

### Neighbours and local groups

A total of 17 letters objecting to the proposal were received from members of the public from residents of the following addresses:

29 Elmwood Road  
 37C Elmwood Road  
 50 Elmwood Road  
 52 Elmwood Road  
 54 Elmwood Road  
 Flat 2, 7 Wynham Road  
 Flat 3, 7 Wynham Road  
 Herne Hill Society

The objections focused on the following issues:

- Inappropriate design and use of materials
- Impact upon availability of light to properties adjoining the application site.
- Potential structural problems of incorporating basement space into unit.

In addition to this 6 letters of support were received towards the proposal. These were received from the following addresses:

60 Dulwich Village  
 16 Hollingbourne Road  
 49 Poplar Walk  
 14 Elfindale Road  
 83 Herne Hill  
 18 Beckwith Road

Generally those who wrote in were pleased that the site was being developed and supported the innovative and modern design.

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## RECOMMENDATION LDD MONITORING FORM REQUIRED

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

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<b>Applicant</b>	Mr. G Falzon	<b>Reg. Number</b>	10-AP-2196
<b>Application Type</b>	Full Planning Permission	<b>Case</b>	TP/2103-31
<b>Recommendation</b>	Grant permission	<b>Number</b>	

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### Draft of Decision Notice

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

The demolition of an existing property (comprising two flats) at number 31-33 Elmwood Road. The construction of two new terraced houses on basement, ground, first and second floor levels.

**At:** 31 ELMWOOD ROAD, LONDON, SE24 9NS

**In accordance with application received on 30/07/2010 08:01:22**

**and Applicant's Drawing Nos.** Design Statement

Access Statement

Sustainability Report

Energy Statement and Renewables Feasibility Study

Location Plan P.L.L.01

Architect's plans nos:

P.L.02, P.L.03B, P.L.04B, P.L.05, P.L.06C, P.L.07A, P.L.8C, P.L.09 P.L.10C, P.L.11C, P.L.12C, P.L.13, P.L.14, P.L.15, P.L.16, P.L.22,

**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:

P.L.02, P.L.03B, P.L.04B, P.L.05, P.L.06C, P.L.07A, P.L.8C, P.L. 09, P.L.10C, P.L.11C, P.L.12C

Reason:

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

- 3 Material samples/sample-panels/sample-boards of the brick and zinc cladding to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with Policies: 3.12 Quality in Design; 3.13 Urban Design of The Southwark Plan 2007.

- 4 The dwellings hereby permitted shall not be occupied before details of the arrangements for the storing of domestic refuse have been submitted to (2 copies) and approved by the local planning authority and the facilities approved have been provided and are available for use by the occupiers of the dwellings. The facilities shall thereafter be retained for refuse storage and the space used for no other purpose without the prior written consent of the Council as local planning authority.

Reason

In order that the Council may be satisfied that suitable facilities for the storage of refuse will be provided and retained in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Policy 3.2: 'Protection of Amenity' and Policy 3.7 'Waste

Reduction' of the Southwark Plan (2007).

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

**Reason**

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with Policy 5.3 'Cycle storage' of the Adopted Southwark Plan (2007).

- 6 The window(s) on the north and south elevation of the building marked as obscure shall be obscure glazed and shall not be replaced or repaired otherwise than with obscure glazing.

**Reason**

In order to protect the privacy and amenity of the occupiers and users of the adjoining premises at 29 and 35 Elmwood Road from undue overlooking in accordance with Policy 3.2 'Protection of Amenity' of the Southwark Plan 2007.

**Reasons for granting planning permission.**

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

a] Policy 3.2 (Protection of amenity) advises that permission will not be granted where it would cause a loss of amenity. Policy 3.3 (Sustainability Assessment) protects against the loss of amenity, including disturbance from noise, to present and future occupiers on or in the vicinity of the application site. Policy 3.4 (Energy Efficiency) advises that development should be designed to maximise energy efficiency. Policy 3.7 (Waste reduction) states that all developments are required to ensure adequate provision of recycling, composting and residual waste disposal, collection and storage facilities, and in relation to major developments this will include addressing how the waste management hierarchy will be applied during construction and after the development is completed. Policy 3.9 (Water) seeks to ensure that all developments should incorporate measures to reduce the demand for water, recycle grey water and rainwater, and address surface run off issues, and have regard to prevention of increase in flooding and water pollution. Policy 3.11 (Efficient Use of Land) seeks to ensure that developments make an efficient use of land as a key requirement of the sustainable use of land, whilst protecting amenity, responding positively to context, avoids compromising development potential of adjoining sites, making adequate provision for access, circulation and servicing, and matching development to availability of infrastructure. Policy 3.12 (Quality in design) requires new development to achieve a high quality of architectural and urban design. Policy 3.13 (Urban Design) advises that principles of good design must be taken into account in all developments. Policy 4.1 (Density of residential development) states that residential development will be expected to comply with a range of density criteria taking into account the quality and impact of any non residential uses, and in relation to efficient use of land, having regard to factors such as location and public transport accessibility levels, facilitating a continuous supply of housing in London, but subject to high quality housing being provided and balanced against the need for other uses which also contribute to the quality of life. Policy 4.2 (Quality of residential accommodation) states that planning permission will be granted for residential accommodation provided that they achieve good quality living conditions; and include high standards of accessibility, including seeking to ensure that all new housing is built to Lifetime Homes Standards; privacy and outlook; natural sunlight and daylight; ventilation; space including suitable outdoor/green space; safety and security; protection from pollution, including noise and light pollution. Policy 5.3 (Walking and cycling) seeks to ensure that there is adequate provision for cyclists and pedestrians within developments, and where practicable the surrounding area and Policy 5.6 (Car Parking) states that all developments requiring car parking should minimise the number of spaces provided.

Particular regard was had to

- objections in relation to character and appearance and the foregoing design policies, where it is considered that the new buildings have been designed in a sensitive and sympathetic manner that integrates with the surrounding area.
- objections in relation to impacts on amenities and the foregoing urban design policies. The development is not considered to result in an unacceptable harm the amenities of surrounding residents, including but not limited to considerations of sunlight and daylight, outlook and privacy, and noise and disturbance.
- Sustainable Development. The proposal is considered to provide for sustainable development having regard to social, economic and environmental criteria in accordance with the policies summarised above, through the appropriate consideration of measures such as energy efficiency, carbon dioxide reduction

through on site renewables, materials, waste, inclusive design, green roof, local employment and training opportunities, community use, and including measures to be secured through conditions of consent and planning obligations

However, it was considered that the proposal would present a unique and innovative design which would complement the site and the surrounding buildings in terms of design and visual amenity, as well as providing good quality family accommodation. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.

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**NOTE:** Original held by Constitutional Support Unit; amendments to Beverley Olamijulo  
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