

Dulwich Community Council

Planning

Thursday 13 January 2011

7.00 pm

Dulwich Grove United Reform Church, East Dulwich Grove, London SE22
8RH

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

Members of the committee are summoned to attend this meeting

Annie Shepperd

Chief Executive

Date: Tuesday 4 January 2011



Order of Business

- | Item No. | Title |
|----------|--|
| 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.

Item No.**Title****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

To confirm as a correct record the minutes of the meeting held on 15 December 2010 (to follow).

6. DEVELOPMENT CONTROL ITEMS (Pages 4 - 8)

**6.1. SITE TO THE REAR OF 28 CRESCENT WOOD ROAD,
LONDON, SE26 6RU (Pages 9 - 29)**

**6.2. SITE TO THE REAR OF 28 CRESCENT WOOD ROAD,
LONDON, SE26 6RU (Pages 30 - 43)**

Date: Tuesday 4 January 2011

Dulwich Community Council

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INFORMATION FOR MEMBERS OF THE PUBLIC

CONTACT: Beverley Olamijulo, Constitutional Officer, Tel: 020 7525 7234 or email: beverley.olamijulo@southwark.gov.uk
Website: www.southwark.gov.uk

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Deputations provide the opportunity for a group of people who are resident or working in the borough to make a formal representation of their views at the meeting. Deputations have to be regarding an issue within the direct responsibility of the Council. For further information on deputations, please contact the Constitutional Officer.

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Item No. 6.	Classification: Open	Date: 13 January 2011	Meeting Name: Dulwich Community Council
Report title:		Development Management	
Ward(s) or groups affected:		All within Dulwich [College, East Dulwich & Village] Community Council area	
From:		Strategic Director of Regeneration and Neighbourhoods	

RECOMMENDATIONS

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

BACKGROUND INFORMATION

4. The council's powers to consider planning business are detailed in Article 8 which describes the role and functions of the planning committee and Article 10 which describes the role and functions of community councils. These were agreed by the constitutional meeting of the council on May 23 2007 and amended on January 30 2008 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 nd 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

Lead Officer	Deborah Collins, Strategic Director of Communities, Law & Governance	
Report Author	Nagla Stevens, Principal Planning Lawyer Kenny Uzodike, Constitutional Officer	
Version	Final	
Dated	1 October 2010	
Key Decision	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
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 Thursday 13 January 2011

Appl. Type Full Planning Permission
Site SITE TO THE REAR OF 28 CRESCENT WOOD ROAD, LONDON, SE26 6RU

Reg. No. 10-AP-2135
TP No. TP/2570-8
Ward College
Officer Sonia Watson

Recommendation GRANT PERMISSION

Proposal

Redevelopment of 10 derelict garages on backland site into a single storey 3-bedroom dwelling house with basement.

Item 6.1

Appl. Type Conservation Area Consent
Site SITE TO THE REAR OF 28 CRESCENT WOOD ROAD, LONDON, SE26 6RU

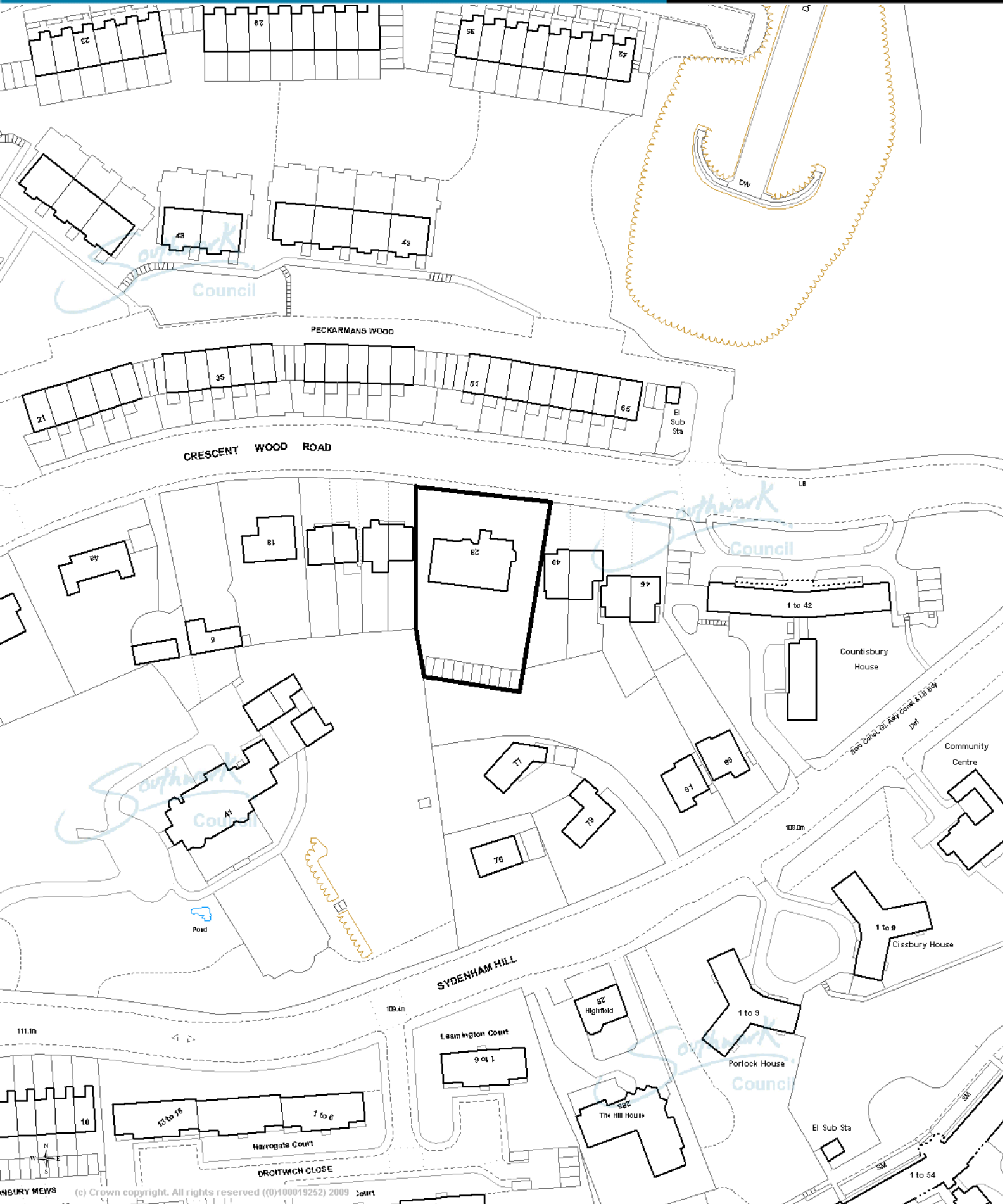
Reg. No. 10-AP-2197
TP No. TP/2570-8
Ward College
Officer Sonia Watson

Recommendation GRANT PERMISSION

Proposal

Demolition of a garage block of ten garages.

Item 6.2



Item No. 6.1	Classification: OPEN	Date: 13 January 2011	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 10-AP-2135 for: Full Planning Permission Address: SITE TO THE REAR OF 28 CRESCENT WOOD ROAD, LONDON, SE26 6RU Proposal: Redevelopment of 10 derelict garages on backland site into a single storey 3-bedroom family house with basement.		
Ward(s) or groups affected:	College		
From:	Head of Development Management		
Application Start Date 30/07/2010		Application Expiry Date 24/09/2010	

RECOMMENDATION

- 1 Grant planning permission, subject to conditions.

BACKGROUND INFORMATION

- 2 This item is presented to Members of the Dulwich Community Council, as more than three letters of objection have been received.

Site location and description

- 3 The site lies within the Dulwich Wood Conservation Area and adjoins the boundary with a Grade II listed building at 41 Sydenham Hill. The original curtilage of no. 28 was subdivided at the rear and had a solid palisade fence demarcating the new boundary with a row of low level single storey garages at the back of the site. The site rises in level from the front of no.28 and adjoins the back gardens of nos. 40 Crescent Wood Road and 41 and 81 Sydenham Hill. The rear of the site is bounded by Leylandii trees in the rear garden of 41 Sydenham Hill and there are two Beech trees to the west.

Details of proposal

- 4 Planning permission is sought for the redevelopment of the site to provide a single family dwelling house laid out over two floors. The proposed dwelling would be designed in a 'U' shaped form and would include parking space and amenity space.
- 5 The proposed house would be located on the rear site boundary and would measure 17.375 m wide, 13.7m deep and 3.4 metres high, when measured from ground level. A portion of the dwelling would be over two floors with the creation of a basement on the shorter section of the building.
- 6 The dwelling would be constructed as an inward looking house, with the glazing in the centre of the 'u'. The basement glazing would be in the south-eastern corner of the building.

- 7 The main living accommodation would be located on the ground level and arranged to be largely open plan, whereas the basement would provide 3 bedrooms.
- 8 It is proposed to use timber with frameless windows, and the flat roof would be planted.

Planning history

- 9 Planning permission was refused (07/AP/2381) on 21/01/2008 for the redevelopment of the site into 5 x 3 storey residential dwellings. The proposal was refused for the following reasons;
1. The proposed development by reason of the cramped layout, excessive footprint in a confined space and lack of gardens for future occupiers would represent an overdevelopment of the site out of keeping with the urban grain and pattern of development in this part of the Dulwich Wood Conservation Area
 2. The development by reason of the proposed materials, extensive footprint, style, indistinct built form incorporating an overhang to the front elevation would fail to respect the character and appearance of the Dulwich Wood Conservation Area
 3. The proposed scheme fails to provide a good quality of accommodation by reason of the poor internal layout providing only one entrance / exit located to the front elevation and no provision of garden space for future occupiers
 4. The proposed development by reason of its location on the boundary of the garden of No. 79 Sydenham Hill Road would be detrimental to the enjoyment of the use of the garden of No. 79 Sydenham Hill Road and would unreasonable compromise the development potential of No. 79 Sydenham Hill Road
 5. The bin storage area by reason of its location in proximity to the proposed parking spaces and distance from Crescent Wood Road would lead to conflict with the proposed parking spaces and difficulty in accessing the bin stores detrimental to the amenity of local residents
 6. The proposed four off-street car parking spaces by reason of its unworkable layout, insufficient manoeuvring space for accessing / exiting the spaces and inadequate number would lead to an increase in on-street parking in the surrounding streets
 7. The proposed development by reason of failure to submit information to justify or enable the Local Planning Authority to assess the loss of trees in the Dulwich Wood Conservation Area would be unacceptable.

Planning history of adjoining sites

- 10 03-AP-1023: In September 2003 planning permission was granted for the construction of a roof extension to the main building to form a new third floor to provide 2 flats; the erection of a two storey side extension at 1st and 2nd floor levels to extend 2 flats on each of the first and second floors, alterations to door and window openings on south and east elevations.

The application site is shown as part of the site area considered under this 2003 permission; however it appears that the occupants of no. 28 Crescent Wood Road have never had access to this land, which was subsequently given a separate title and sold. This matter has been raised in letters from residents. However, the fact

that this land has not been included within the development of 28 Crescent Wood Road has not been raised as an enforcement complaint, and given the passage of time since the conversion, and that the land has now been formally subdivided, it is not considered expedient to pursue this further.

- 11 Planning permission was granted in 1969 for the change of use of the building at 28 Crescent Wood Road to 19 self-contained bed-sit flats together with the erection of 10 garages and parking bays for 10 cars at the rear of the site.

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 12 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 building upon the setting of the Dulwich Wood Conservation Area.
 - c) the impact of the building on the amenity of the surrounding residential dwellings.

Planning policy

Southwark Plan 2007 (July)

- 13
- 3.2 Protection of amenity
 - 3.4 Energy efficiency
 - 3.7 Waste reduction
 - 3.9 Water
 - 3.12 Quality in design
 - 3.13 Urban design
 - 3.15 Conservation of the historic environment
 - 3.16 Conservation areas
 - 3.18 Setting of world heritage sites, listed buildings and conservation areas
 - 4.1 Density
 - 4.2 Quality of the residential accommodation
 - 5.3 Walking and Cycling
 - 5.6 Car parking

Core Strategy

- 14 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.
- 15 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)

- 16 PPS 5 Planning for the historic environment
PPS 3 Housing

Residential Design Standards Supplementary Planning Document

Principle of development

- 17 There are no objections in principle to the provision of a dwelling within this location. The site is already concreted over and developed with a row of garages which have been disused for some time. In the earlier scheme for 5 dwellings, the amount and size of the buildings, rather than the principle of the development, formed the basis for refusal.
- 18 A residential dwelling is acceptable in this instance subject to relevant policies being complied with. It is considered that this dwelling constitutes backland development and the criteria for such development is set out in the Residential Design Guidelines Supplementary Planning Document. Such development is described as dwellings on sites which are located predominately to the rear of existing dwellings. It is noted that backland development, particularly for new residential units, can have a significant impact on amenity, neighbouring properties and the character of an area. To minimise impact on of such development a number of principles are set out and these are discussed with below under the headings of amenity, residential standards, design and traffic.

PPS 3 is also relevant in this instance. A key land use issue with the determination of this application is that of building on gardens, referred to as "garden grabbing". Recent changes in government policy (PPS3 Housing) sets out that private gardens shall be removed from the brownfield definition. However, this is not at the same time conferring particular protection of this land, for example in the same way that Borough Open Land or Metropolitan Open Land are protected. It means that gardens are not classified as 'previously developed land'. The development of such areas will not contribute to the target set by the Government which is that at least 60% of development occurs on brownfield land, which means that development of housing on gardens cannot be used to contribute towards Government targets. In Southwark, housing targets are generally being met and the Council does not rely on gardens being developed in order to meet housing targets, unlike the case in a number of other parts of the country where development of gardens has been relied upon in order to meet housing delivery targets. Given the limited number of back garden developments applied for in Southwark, development on gardens would be unlikely approach the 40% limit for non brownfield, or greenfield, development. It is not considered that the fact that back gardens are no longer 'brownfield' may in itself be used as a reason for refusal. Rather, regard still needs to be had to the site specific assessment of impacts in terms of matters such as the character of residential neighbourhoods, character and appearance of conservation areas, quality of residential accommodation, design, amenity, and transport.

The circumstances are slightly different to true 'garden grabbing' here in that the site is currently developed with garages. Notwithstanding, the advice of PPS3 has been treated as a material consideration.

Environmental impact assessment

- 19 Not relevant for an application of this type or size.

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

- 20 41 Sydenham Hill - the proposal site adjoins the north eastern corner of the grounds surrounding this Grade II listed building. Currently the garages lie close to this boundary. The proposed new dwelling would be located 5 metres from the boundary. The dwellings at no. 41 are some distance from the shared boundary and although the new building would be visible it is not considered that the proposal would be detrimental to the residential amenity of the occupants of this dwelling.
- 21 81 Sydenham Hill - The proposal adjoins the land on the northern boundary of this site. The dwelling at no. 81 sits within substantial gardens and on the boundary with the garages, is screened with a leylandii hedge. There are also two mature beech trees close to this boundary. The proposal would not impinge on the amenity currently enjoyed by this property due to its single storey appearance and enclosure of the site by a high timber fence.
- 22 77 Sydenham Hill - the proposal does not immediately adjoin the boundary of this dwelling and given the modest height of the proposed building it is unlikely to impact on the amenity of this property.
- 23 26 Crescent Wood Road - The rear boundary of this site is almost in line with the rear boundary of the existing flats at 28 Crescent Wood Road and the application site, given the more easterly location of the new dwelling it is unlikely that the proposal would have any impact upon the amenity of residents within this dwelling.
- 24 28 Crescent Wood Road - This is a substantial property set over 4 floors. The dwellings within this property are the closest to the proposed dwelling, with a number of its windows looking out onto the site. The house has been so designed to maintain a discreet presence at the rear. Currently the site is enclosed by a timber fence of about 2.7 metres. It is proposed to have a solid timber section of the house along this boundary which would maintain a fence-like appearance but with an increase in height of less than 1 metre.
- 25 In terms of privacy, the nearest windows of the dwelling are 21 metres from the rear windows of no 28 Crescent Wood Road, and this is in compliance with the Residential Design Guidance SPD. The design of the new dwelling would be such that the privacy of the residents within no. 28 and the occupants of the new dwelling would be retained, with limited views between the uppermost floors of no. 28 and the proposed dwelling.
- 26 Concern has been raised around the vehicular and pedestrian access to the dwelling diminishing privacy for no. 28. The rear of no. 28 is already used for parking, requiring residents to walk along the side of the dwelling to the main entrance. The proposal would provide a parking space for the unit and as a single dwelling house should not result in a significant traffic or pedestrian movement such that would significantly erode the residential amenity of the main building.
- 27 Concerns have also been raised around security of no. 28. Currently there are two gates either end of the building. From visits to the property, these have always been open, and it is therefore currently possible to enter the site and walk to the rear. The current application would not change this situation.

- 28 40 Crescent Wood Road - The proposal would adjoin a rear corner section of the back garden, and would appear as a high fence on this boundary. Given the distance from the main dwelling it is unlikely to have any significant amenity impacts to this dwelling.

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

- 29 The surrounding area is residential and there is unlikely to be any negative impacts as a result of the proposed use.

Traffic issues

- 30 The proposal would use the existing crossover to access the site, and the parking area is sufficient for a single vehicle. However there are no parking restrictions within the area and there is sufficient on street parking for visitors or additional vehicles associated with the property.

Design issues

- 31 The timber external construction is appropriate for the building's location amongst well wooded gardens. The building is single storey above ground and is surrounded by high fencing and trees so should not affect the setting of the listed buildings nearby. The proposed dwelling includes an extensive flat roof, and this would be planted which would visually improve the amenity of the surrounding area.
- 32 Samples of all external materials should be provided especially for the timber cladding, which if of poor quality can weather badly.

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

- 33 The proposal is for a new dwelling on land currently occupied with garages. The dwelling would be set behind a high fence and as such would have a limited amount of visibility from the public domain
- 34 The impact of this proposal on the heritage asset - the Dulwich Wood Conservation Area and its setting - is considered against the requirements of PPS5 - Planning for the Historic Environment. Policy HE 9.4 of PPS5 – states that : "*Where a proposal has a harmful impact on the significance of a designated heritage asset which is less than substantial harm, in all cases local planning authorities should:*
(i) weigh the public benefit of the proposal (for example, that it helps to secure the optimum viable use of the heritage asset in the interests of its long-term conservation) against the harm; and
(ii) recognise that the greater the harm to the significance of the heritage asset the greater the justification will be needed for any loss."
- 35 This proposal will have a nominal impact on the character and appearance of the conservation area. There is no loss of historic fabric and minimal impact on the viewer's appreciation of the rear of the properties in the conservation area or its setting. It is not considered that there would be any impact to the setting of any listed buildings as the proposal is discreetly designed and located at a sufficient distance away.

Impact on trees

- 36 There are two beech trees to the west of the site but there are other trees located on adjoining land. In respect of the beech trees, these will require some pruning to

improve their overall condition. The adjoining trees would not require any work other than the Leyland cypress hedge which requires trimming on the application site side. A detailed arboricultural report has been submitted with the application and this sets out a methodology for the protection of the tree root areas. Should planning permission be granted it is recommended that conditions be imposed to ensure this is undertaken.

Planning obligations (S.106 undertaking or agreement)

- 37 Not required for a dwelling of this size.

Sustainable development implications

- 38 The proposal would incorporate energy efficiency within its design, with high performance windows. Rainwater would be collected in water butts for irrigation of the garden and grey water would be collected and reused. The majority of the hot water for the proposed dwelling would be provided by a solar collector located on the flat roof.

Other matters

- 39 Quality of accommodation
The proposed dwelling would provide a generously proportioned 3 bedroomed dwelling, with a large private garden of 188 sq metres.
- 40 Density
The proposal would result in a residential density of 208hrph, this is within the range of 200 - 350 hrph for dwellings within the suburban zone. Taking account of the converted building to the front and the remaining land the overall the density rises to 361 hrph. This is only marginally over the top of the range, and given the proposal is in compliance with other areas of policy and is not considered to be harmful to residential amenity. It is not considered that the overall density level can be seen as sufficient reason to warrant refusal of the scheme.
- 41 Refuse
Waste would be collected by the existing bin store area of no. 28 Crescent Wood Road. It is suggested that a condition be imposed for details of the bins and storage area to ensure that the area is able to cope with waste from an additional residence.
- 42 Wildlife
The site is entirely hard landscaped; the trees on and around the site would be retained, with the proposed building sited further away from the trees than the existing garages. The introduction of soft landscaping and the provision of a green roof should improve the potential for wildlife within the space. A condition is suggested requiring a landscape plan to be provided prior to commencement of works on site.

Conclusion on planning issues

- 43 Planning permission is sought for the construction of a 3 bedroom house over two levels. The proposal would be simply designed and discreetly hidden behind a high fence. In terms of amenity it is not considered that the proposal would detract from the residential amenity of the adjoining residential occupants. The new dwelling would result in the removal of the existing derelict garages and with the retention of the trees on the site is considered to be an improvement to the Dulwich Wood Conservation Area. Consideration has been given to the concerns raised by objectors, much of which could be controlled by conditions. Therefore the granting of

planning permission is recommended.

Community impact statement

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

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

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

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above.

Consultations

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

Consultation replies

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

Summary of consultation responses

47 Loss of privacy to no. 28 Crescent Wood Road
Density
Impact on trees and wildlife
Land should be used by flats of no. 28 for parking/gardens
Existing refuse area needs to be improved
Trees should be protected
General concerns around construction

Human rights implications

48 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.

49 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

50 N/a

REASONS FOR LATENESS

51 N/a

REASONS FOR URGENCY

52 N/a

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2570-8 Application file: 10-AP-2135 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Sonia Watson, Planning Officer	
Version	Final	
Dated	17 December 2010	
Key Decision	Grant Planning Permission	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	N/A	N/A
Strategic Director of Regeneration and Neighbourhoods	N/A	N/A
Strategic Director of Environment and Housing	N/A	N/A
Date final report sent to Constitutional Team		30 December 2010

Consultation undertaken

Site notice date: 09/08/2010

Press notice date: 12/08/2010

Case officer site visit date: 10/03/2010

Neighbour consultation letters sent: 09/08/2010, 20/09/2010

Internal services consulted:

Transport
Waste Management
Arboricultural Officer

Statutory and non-statutory organisations consulted:

Thames Water

Neighbours and local groups consulted:

83 SYDENHAM HILL LONDON SE26 6TQ
81 SYDENHAM HILL LONDON SE26 6TQ
26 CRESCENT WOOD ROAD LONDON SE26 6RU
24 CRESCENT WOOD ROAD LONDON SE26 6RU
77 SYDENHAM HILL LONDON SE26 6TQ
FLAT 8 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 7 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 9 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
55 CRESCENT WOOD ROAD LONDON SE26 6SA
53 CRESCENT WOOD ROAD LONDON SE26 6SA
59 CRESCENT WOOD ROAD LONDON SE26 6SA
57 CRESCENT WOOD ROAD LONDON SE26 6SA
51 CRESCENT WOOD ROAD LONDON SE26 6SA
42 CRESCENT WOOD ROAD LONDON SE26 6RU
40 CRESCENT WOOD ROAD LONDON SE26 6RU
46 CRESCENT WOOD ROAD LONDON SE26 6RU
44 CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 15 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 14 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 17 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 16 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 13 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 10 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 1 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 12 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 11 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 4 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 3 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 6 HIGH TREES MANSIONS 28 CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 5 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 21 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 19 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 18 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 20 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 2 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
22 CRESCENT WOOD ROAD SE26 6RU
26 CRESCENT WOOD ROAD SE26 6RU
STABLE FLAT 41 SYDENHAM HILL LONDON SE26 6TH
THE LODGE 41 SYDENHAM HILL LONDON SE26 6TH
GAMEKEEPERS COTTAGE 41 SYDENHAM HILL LONDON SE26 6TQ
BELTWOOD 41 SYDENHAM HILL LONDON SE26 6TH

Dulwich Society

Re-consultation:

n/a

Consultation responses received

Internal services

Transport - Raise no objections
Waste management - no comments received.
Arboricultural Officer - no comments received.

Statutory and non-statutory organisations

Thames Water - Raise no objections.

Neighbours and local groups

Flat 6 28 Crescent Wood Road - Not completely against the application, but has concerns around the size scale and potential impact on amenity and existing trees and wildlife. Feels the basement area may impact on trees. There will be a loss of privacy and security, no space for refuse collection freeholder did not maintain refuse area well and this would result in the overuse of this facility. Concerned about subsidence.

Flat 18 28 Crescent Wood Road - Too close to the original dwelling adding to already high density. The proposal would build right up onto the boundary with no. 28. The original plans for no.28 specified this area for garden garages for residents. The proposal will create privacy issues for no. 28 where there is little physical separation between the two properties and residents of the new dwelling would have to pass land already occupied by the residents of no 28. Proposal will negatively affect existing residents of no. 28 with comings and goings, Crescent Wood Road doesn't need more housing as it already has the Contisbury estate. Development would set precedent for other landowners to do the same.

No 15 28 Crescent Wood Road - Proposal to carve land from rear of no. 28, will build up to the boundary line with no. 28, the original plan was for garden garages for this property, high density.

No 22 Crescent Wood Road - Requests that trees are preserved and building does not exceed one storey.

No 24 Crescent Wood Road - Generally supports the application but concerned about overspill parking already felt from the main building onto the road. Would like building to remain as one storey. Would like the trees to be protected during the course of construction.

No. 26 Crescent Wood Road - Concern that house with a basement would transform into two storeys over time, subject to the property not increasing further in height does not oppose the development.

No. 40 Crescent Wood Road - Would like conditions to restrict building height and to retain the trees. Trees should be TPO'ed, no materials, chemical or noxious substances should be stored or used that would damage the trees, area should be designated for vehicles associated with the development, other comments made with respect to tree protection and construction management.

No address provided - Would like conditions to restrict building height and to retain the trees.

No address provided - The previous redevelopment of the main building should have provided 20 parking spaces in this area. The proposal will impact on the trees in the garden on no. 81.

RECOMMENDATION LDD MONITORING FORM REQUIRED

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

Applicant	Mrs Charlotte Larco No-House Studio	Reg. Number	10-AP-2135
Application Type	Full Planning Permission	Case Number	TP/2570-8
Recommendation	Grant permission		

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Redevelopment of 10 derelict garages on backland site into a single storey 3-bedroom dwelling house with basement.

At: SITE TO THE REAR OF 28 CRESCENT WOOD ROAD, LONDON, SE26 6RU

In accordance with application received on 21/07/2010

and Applicant's Drawing Nos. (PA)001, (PA)002, (PA)003, (PA)004, (PA)005, (PA)006 rev A, (PA)007, (PA)008, (PA)009, (PA)0010 rev A, (PA)0011, (PA)0012, (PA)0013, (PA)0014, (PA)0015, Aboricultural Report, Site Plan, Design, planning and heritage 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:

(PA) 005; (PA) 006; (PA) 007; (PA) 008; (PA) 009; (PA) 010; (PA) 011; (PA) 012;

Reason:
For the avoidance of doubt and in the interests of proper planning.
- 3 Samples of the timber cladding to be used in the carrying out of this permission shall be submitted to and approved by the Local Planning Authority before any work in connection with this permission is carried out and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason
In order that the Local Planning Authority may be satisfied as to the details of the material and in the interest of the appearance of the building in accordance with Policy 3.12 Quality in design of the Southwark Plan 2007.
- 4 Before any above grade work hereby authorised begins, 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), 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.

- 5 An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, prior to works commencing on site. The contents of the scheme shall be subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

a survey of the extent, scale and nature of contamination;

an assessment of the potential risks to:

- i) human health,
- ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- iii) adjoining land,
- iv) groundwaters and surface waters,
- v) ecological systems,
- vi) archaeological sites and ancient monuments;
- vii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and PPS 23 Planning and Pollution Control.

- 6 Subject to the findings of Condition 5, (Site Characterisation), if deemed necessary pursuant to Condition 5, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be prepared and submitted to the Local Planning Authority for approval in writing. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site would not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The scheme shall be implemented in accordance with the remediation details as approved in writing by the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and PPS 23 Planning and Pollution Control.

- 7 Before any work hereby authorised begins, details of an Environmental Management Plan and Code of Practice (which shall oblige the applicant/developer and its contractors to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site) which shall include the following information:
- A detailed specification of demolition (including method and foundation piling) and construction works for each phase of development including consideration of environmental impacts and the required remedial measures;
 - A detailed specification of engineering measures, acoustic screening and sound insulation measures required to mitigate or eliminating specific environmental impacts;
 - Details of arrangements for publicity and promotion of the scheme during construction;
 - A commitment to adopt and implement of the ICE Demolition Protocol and Southwark's Environmental

Code of Construction and GLA Best Practice Guidance.

shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given and the demolition and construction work shall be undertaken in strict accordance with the approved Management Plan and Code of Practice.

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 Policies 3.1 Environmental Effects, 3.2 Protection of Amenity, 3.6 Air Quality and 3.10 Hazardous Substances of The Southwark Plan 2007 and PPS23 Planning and Pollution Control.

- 8 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.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of [1 year ([see endnote 10](#))] from [the date of the occupation of the building for its permitted use].

(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.

(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

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.

- 9 The existing Beech trees on the site, which are to be retained, shall be protected and the site and the trees shall be managed in accordance with the recommendations contained in the submitted Arboricultural Report by Crown Consultants Limited. 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 condition [9] above 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 in accordance with condition [9] above 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 tree 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.

- 10 Before any work hereby authorised begins, details of the foundation works [to include details of a trial hole(s) or trench(es) to check for the position of roots] to be used in the construction of this development showing how the roots of the tree(s) will be protected 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. All works shall adhere to National Joint Utility Group, Guidance 10 - Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2).

Reason:

To avoid damage to the existing trees which represent an important visual amenity in the area in accordance with Policies 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

- 11 Before any above ground work hereby authorised begins, details of the green and/or brown roofs (including a specification and maintenance plan) to be used in the carrying out of this permission shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, it in accordance with Policies 3.12 Quality in Design, 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

- 12 Before any above grade work hereby authorised begins, details of the means of enclosure for all site boundaries shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason

In the interests of visual and residential amenity in accordance with Policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007.

- 13 Before the first occupation of the building hereby permitted begins details of the arrangements for the storing of domestic refuse, sufficient to accommodate all users of the facility shall be submitted to and approved in writing by the Local Planning Authority and the facilities approved shall be provided and made available for use by the occupiers of the dwelling and the facilities shall thereafter be retained and shall not be used or the space used for any other purpose.

Reason

To ensure 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.

- 14 The car parking space shown on the drawings hereby approved, shall be made available, and retained for the purposes of car parking for vehicles of residents of the development and no trade or business shall be carried out thereon.

Reason

To ensure the permanent retention of the parking areas, to avoid obstruction of the surrounding streets by waiting vehicles and to safeguard the amenities of the adjoining properties in accordance with Policies 3.2 Protection of Amenity, Policy 5.2 Transport Impacts and 5.6 Car Parking of the Southwark Plan 2007.

- 15 Notwithstanding the provisions of Classes A, B, C, D, E, F and H of Part 1 of the Town and Country Planning (General Permitted Development) Order 2008 (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out to the dwelling.

Reason

To safeguard the character and the amenities of the premises and adjoining properties in accordance with Policy 3.2 Protection of Amenity and 3.12 Quality in Design of the Southwark Plan 2007

Reasons for granting planning permission.

This planning application was considered with regard to various policies of the Southwark Plan 2007 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 3.4 (Energy Efficiency) advises that development should be designed to maximise energy efficiency.

Policy 3.6 (Air Quality) advises that permission will not be granted for development that would lead to a reduction in air quality.

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 3.14 (Designing out Crime) seeks to ensure that development in both the private and public realm is designed to improve community safety and crime prevention.

Policy 3.15 (Conservation of the Historic Environment) requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance.

Policy 3.16 (Conservation areas) states that there will be a general presumption in favour of retaining buildings

that contribute positively to the character and appearance of the conservation area and notes that consent will be granted for schemes in conservation areas provided that they meet specified criteria in relation to conservation area appraisals and other guidance, design and materials.

Policy 3.18 (Setting of Listed Buildings Conservation Areas and World Heritage Sites) advises that permission will not be granted for developments that would not preserve or enhance the immediate views and/or wider settings of a listed building, conservation area or world heritage site.

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.

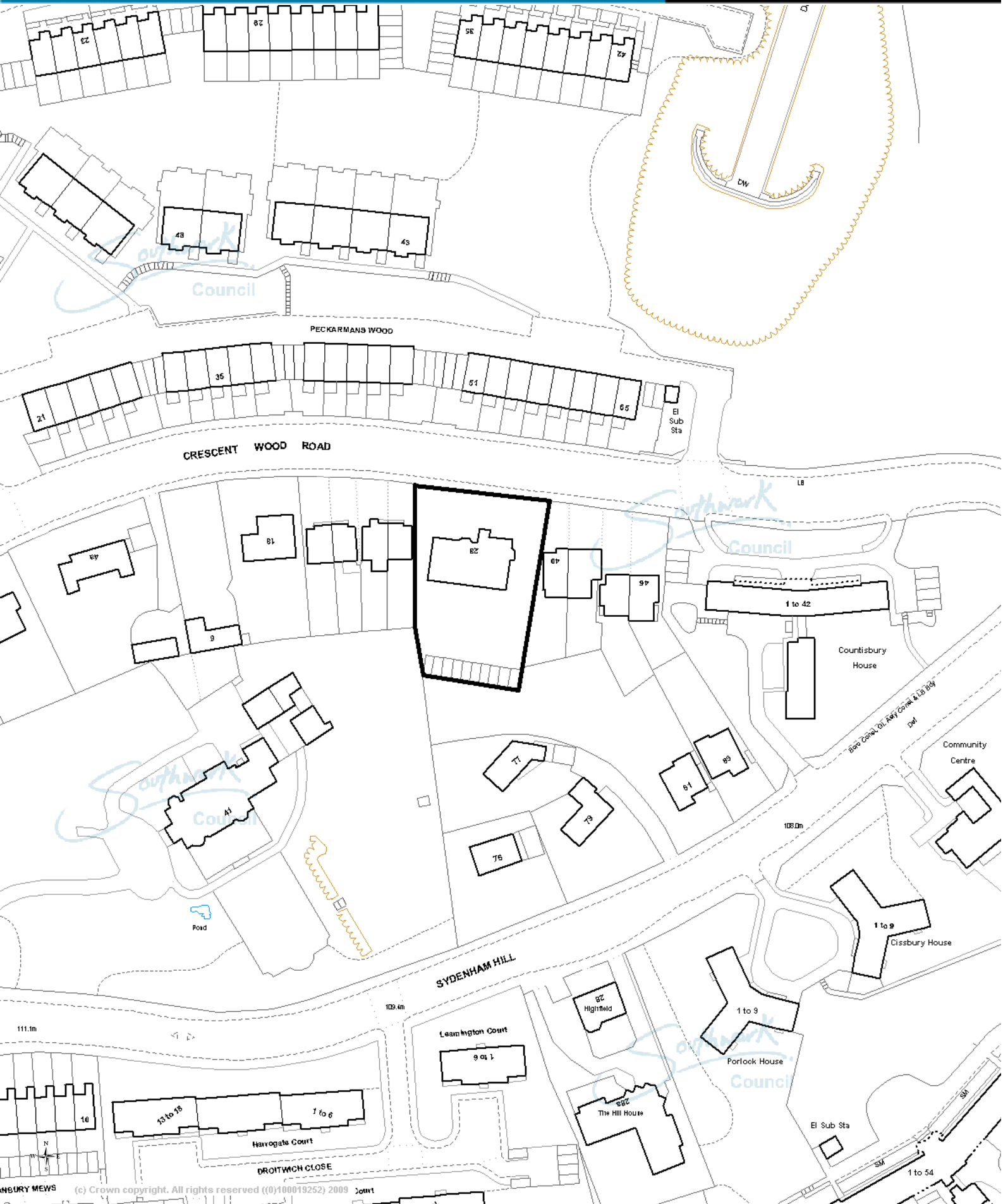
Policy 4.2 (Quality of residential accommodation) states that planning permission will be granted for residential accommodation provided that they achieve good quality living conditions; and include high standards of accessibility, including seeking to ensure that all new housing is built to Lifetime 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

Policy 5.6 (Car Parking) states that all developments requiring car parking should minimise the number of spaces provided.

b] Planning Policy Statements [PPS] and Guidance Notes [PPG] PPS 5 Planning and the historic environment

Particular regard was had to the physical impacts of the proposed dwelling upon the residential amenity of adjoining properties, regard was also had to the impact of the proposed building upon the Dulwich Wood Conservation Area and nearby listed buildings where it is considered that the new building had been designed in a sensitive and sympathetic manner that integrates with the surrounding area, retaining the trees, and which would not harm the character and appearance of the conservation area or setting of the nearby listed buildings. It was therefore considered appropriate to grant planning permission having regard to the policies considered and other material planning considerations.



Item No. 6.2	Classification: OPEN	Date: 13 January 2011	Meeting Name: Dulwich Community Council
Report title:	Development Management planning application: Application 10-AP-2197 for: Conservation Area Consent Address: SITE TO THE REAR OF 28 CRESCENT WOOD ROAD, LONDON, SE26 6RU Proposal: Demolition of a garage block of ten garages		
Ward(s) or groups affected:	College		
From:	Head of Development Management		
Application Start Date 30/07/2010		Application Expiry Date 24/09/2010	

RECOMMENDATION

- 1 Grant conservation area consent, subject to conditions. This is being reported to Community Council together with an application for redevelopment of the site, owing to the number of objections received.

BACKGROUND INFORMATION

Site location and description

- 2 The site lies within the Dulwich Wood Conservation Area and adjoins the boundary with a Grade II listed building at 41 Sydenham Hill. The original curtilage of no. 28 was subdivided at the rear and had a solid palisade fence demarcating the new boundary with a row of low level single storey garages at the back of the site. The site rises in level from the front of no.28 and adjoins the back gardens of nos. 40 Crescent Wood Road and 41 and 81 Sydenham Hill. The rear of the site is bounded by Leylandii trees in the rear garden of 41 Sydenham Hill and there are two Beech trees to the west.

Details of proposal

- 3 Conservation area consent is sought for the demolition and removal of the existing block of ten garages currently located on the rear boundary of the site.

Planning history

- 4 Planning permission was refused (07/AP/2381) on 21/01/2008 for the redevelopment of the site into 5 x 3 storey residential dwellings.
- 5 03-AP-1023: In September 2003 planning permission was granted for the construction of a roof extension to the main building to form a new third floor to provide 2 flats; the erection of a two storey side extension at 1st and 2nd floor levels to extend 2 flats on

each of the first and second floors, alterations to door and window openings on south and east elevations.

- 6 Planning permission was granted in 1969 for the change of use of the building at 28 Crescent Wood Road to 19 self-contained bed-sit flats together with the erection of 10 garages and parking bays for 10 cars at the rear of the site.

Planning history of adjoining sites

- 7 n/a

KEY ISSUES FOR CONSIDERATION

Summary of main issues

- 8 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 removal of the garages upon the Dulwich Wood Conservation Area and the adjoining listed building.

Planning policy

Southwark Plan 2007 (July)

- 9 3.16 Conservation areas
3.18 Setting of listed buildings, conservation areas and world heritage sites

Core Strategy

- 10 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.
- 11 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)

- 12 PPS 5 Planning and the historic environment

Principle of development

- 13 The garages do not make a positive contribution to the conservation area; therefore there are no objections in principle to their removal.

Environmental impact assessment

- 14 Not required for this application type.

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

- 15 The loss of the garages is unlikely to give rise to any harmful impacts although it is acknowledged that the demolition process is likely to cause a temporary loss of amenity through noise and dust. It is considered that given the close proximity to no. 28 Crescent Wood Road and the use of the same access, this could be managed with a construction management plan which could be imposed by condition.

Traffic issues

- 16 The garages have not been used as such for a number of years. Parking for residents of no. 28 Crescent Wood Road is provided to the front and rear of the property. The area is not within a controlled parking zone and not considered to be in an area of parking stress.

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

- 17 The garages have remained derelict for some time and whilst hidden behind a high fence such that they are not visible from the street they do not make a valuable contribution to the conservation area.

Impact on trees

- 18 The existing garages are in close proximity to the Beech trees to the west of the site, and a condition around the protection of these trees and any trees affected on adjoining land is recommended should conservation area consent be granted.

Planning obligations (S.106 undertaking or agreement)

- 19 Not required for this type of application.

Sustainable development implications

- 20 The garages are over 40 years old and have not been used for some time; this application would facilitate the redevelopment of the site for housing which would represent a more sustainable use of the site.

Other matters

- 21 This application is accompanied by a full planning application of a single family dwelling. The removal of the garages with a landscaping condition would not be considered harmful to the conservation area and would allow this consent to be implemented separately.

Conclusion on planning issues

- 22 Conservation area consent is sought for the demolition and removal of the existing garages on site. In principle there is no objection to the loss of the garages subject to

conditions covering management of the work, protection of the trees and the replacement of the garages with an approved development or an approved landscaping scheme.

Community impact statement

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

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

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

c) The likely adverse or less good implications for any particular communities/groups have been also been discussed above. Specific actions to ameliorate these implications are contained within the conditions should conservation area consent be granted.

Consultations

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

Consultation replies

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

Summary of consultation responses

26 The consultations responses received refer to the associated planning permission rather than the loss of the garages, although comments are raised around the use of the site in conjunction with the existing house.

Human rights implications

27 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.

28 This application has the legitimate aim for the demolition of the garages. 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

29 n/a

REASONS FOR LATENESS

30 n/a

REASONS FOR URGENCY

31 n/a

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2570-8 Application file: 10-AP-2197 Southwark Local Development Framework and Development Plan Documents	Regeneration and Neighbourhoods Department 160 Tooley Street London SE1 2TZ	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 020 7525 5434 Council website: www.southwark.gov.uk

APPENDICES

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

AUDIT TRAIL

Lead Officer	Gary Rice, Head of Development Management	
Report Author	Sonia Watson, Planning Officer	
Version	Final	
Dated	17 December 2010	
Key Decision	Grant conservation area consent	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	n/a	n/a
Strategic Director of Regeneration and Neighbourhoods	n/a	n/a
Strategic Director of Environment and Housing	n/a	n/a
Date final report sent to Constitutional Team		30 December 2010

Consultation undertaken

Site notice date: 09/08/2010

Press notice date: 12/08/2010

Case officer site visit date: 10/03/2010

Neighbour consultation letters sent: 09/08/2010 and 20/09/2010

Internal services consulted:

n/a

Statutory and non-statutory organisations consulted:

English Heritage.

Neighbours and local groups consulted:

83 SYDENHAM HILL LONDON SE26 6TQ
81 SYDENHAM HILL LONDON SE26 6TQ
26 CRESCENT WOOD ROAD LONDON SE26 6RU
24 CRESCENT WOOD ROAD LONDON SE26 6RU
77 SYDENHAM HILL LONDON SE26 6TQ
FLAT 8 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 7 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
FLAT 9 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
55 CRESCENT WOOD ROAD LONDON SE26 6SA
53 CRESCENT WOOD ROAD LONDON SE26 6SA
59 CRESCENT WOOD ROAD LONDON SE26 6SA
57 CRESCENT WOOD ROAD LONDON SE26 6SA
51 CRESCENT WOOD ROAD LONDON SE26 6SA
42 CRESCENT WOOD ROAD LONDON SE26 6RU
40 CRESCENT WOOD ROAD LONDON SE26 6RU
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FLAT 2 HIGH TREES MANSIONS CRESCENT WOOD ROAD LONDON SE26 6RU
22 CRESCENT WOOD ROAD SE26 6RU
26 CRESCENT WOOD ROAD SE26 6RU
STABLE FLAT 41 SYDENHAM HILL LONDON SE26 6TH
THE LODGE 41 SYDENHAM HILL LONDON SE26 6TH
GAMEKEEPERS COTTAGE 41 SYDENHAM HILL LONDON SE26 6TQ
BELTWOOD 41 SYDENHAM HILL LONDON SE26 6TH

Dulwich Society

Re-consultation:

n/a

Consultation responses received**Internal services**

n/a

Statutory and non-statutory organisations

English Heritage - no comments to offer.

Neighbours and local groups

No 24 Crescent Wood Road - Generally supports the application but concerned about overspill parking already felt from the main building onto the road. Would like building to remain as one storey. Would like the trees to be protected during the course of construction.

No. 26 Crescent Wood Road - Concern that house with a basement would transform into two storeys over time, subject to the property not increasing further in height does not oppose the development.

RECOMMENDATION

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

Applicant	Mrs C. Larco NO-house Studio	Reg. Number	10-AP-2197
Application Type	Conservation Area Consent	Case Number	TP/2570-8
Recommendation	Grant permission		

Draft of Decision Notice

Conservation Area Consent was GIVEN to demolish the following:

Demolition of a garage block of ten garages.

At: SITE TO THE REAR OF 28 CRESCENT WOOD ROAD, LONDON, SE26 6RU

In accordance with application received on 30/07/2010

and Applicant's Drawing Nos. (PA) D100, (PA) D101

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 under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

- 2 Works for the demolition of these buildings, or any part thereof, shall not be commenced before:

either:

i) a valid construction contract under which one of the parties is obliged to carry out and itself complete the works of redevelopment of the site for which planning permission has been granted has been entered into and evidence of such construction contract has first been submitted to and formally approved by the Council as local planning authority.

or:

ii) a scheme to landscape the site has been submitted to and approved by the Council. Work to re-landscape the site would then be carried out in accordance with the plans approved within 3 months of completion of demolition of the structure.

Reasons:

As empowered by Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to maintain the character and appearance of the Dulwich Wood Conservation Area; and in accordance with Policies: 3.15 Conservation of the Historic Environment; 3.16 Conservation Areas; 3.18 Setting of Listed Buildings, Conservation Areas and World Heritage Sites; of The Southwark Plan - July 2007.

- 3 Prior to any demolition commencing on site, 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.

(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

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.

4 Before any work hereby authorised begins, details of an Environmental Management Plan and Code of Practice (which shall oblige the applicant/developer and its contractors to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site) which shall include the following information:

- A detailed specification of demolition (including method and foundation piling) and construction works for each phase of development including consideration of environmental impacts and the required remedial measures;
- A detailed specification of engineering measures, acoustic screening and sound insulation measures required to mitigate or eliminating specific environmental impacts;
- Details of arrangements for publicity and promotion of the scheme during construction;
- A commitment to adopt and implement of the ICE Demolition Protocol and Southwark's Environmental Code of Construction and GLA Best Practice Guidance;

shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given and the demolition and construction work shall be undertaken in strict accordance with the approved Management Plan and Code of Practice.

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 Policies 3.1 Environmental Effects, 3.2 Protection of Amenity, 3.6 Air Quality and 3.10 Hazardous Substances of The Southwark Plan 2007 and PPS23 Planning and Pollution Control.

Reasons for granting conservation area consent.

This planning application was considered with regard to various policies of the Southwark Plan 2007 including, but not exclusively:

a] Policy 3.15 (Conservation of the Historic Environment) requires development to preserve or enhance the special interest or historic character or appearance of buildings or areas of historical or architectural significance.

Policy 3.16 (Conservation areas) states that there will be a general presumption in favour of retaining buildings that contribute positively to the character and appearance of the conservation area and notes that consent will be granted for schemes in conservation areas provided that they meet specified criteria in relation to conservation area appraisals and other guidance, design and materials.

Policy 3.18 (Setting of Listed Buildings Conservation Areas and World Heritage Sites) advises that permission will not be granted for developments that would not preserve or enhance the immediate views and/or wider settings of a listed building, conservation area or world heritage site.

b] Planning Policy Statements [PPS] and Guidance Notes [PPG] PPS 5 Planning and the historic environment

Particular regard was had to the visual impact of the loss of the garages from the site upon the Dulwich Wood Conservation Area and nearby listed building where it is considered that the removal of the garages would not harm the character and appearance of the conservation area or setting of the nearby listed building. It was therefore considered appropriate to grant conservation area consent 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
(Tel: 020 7525 7234)

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